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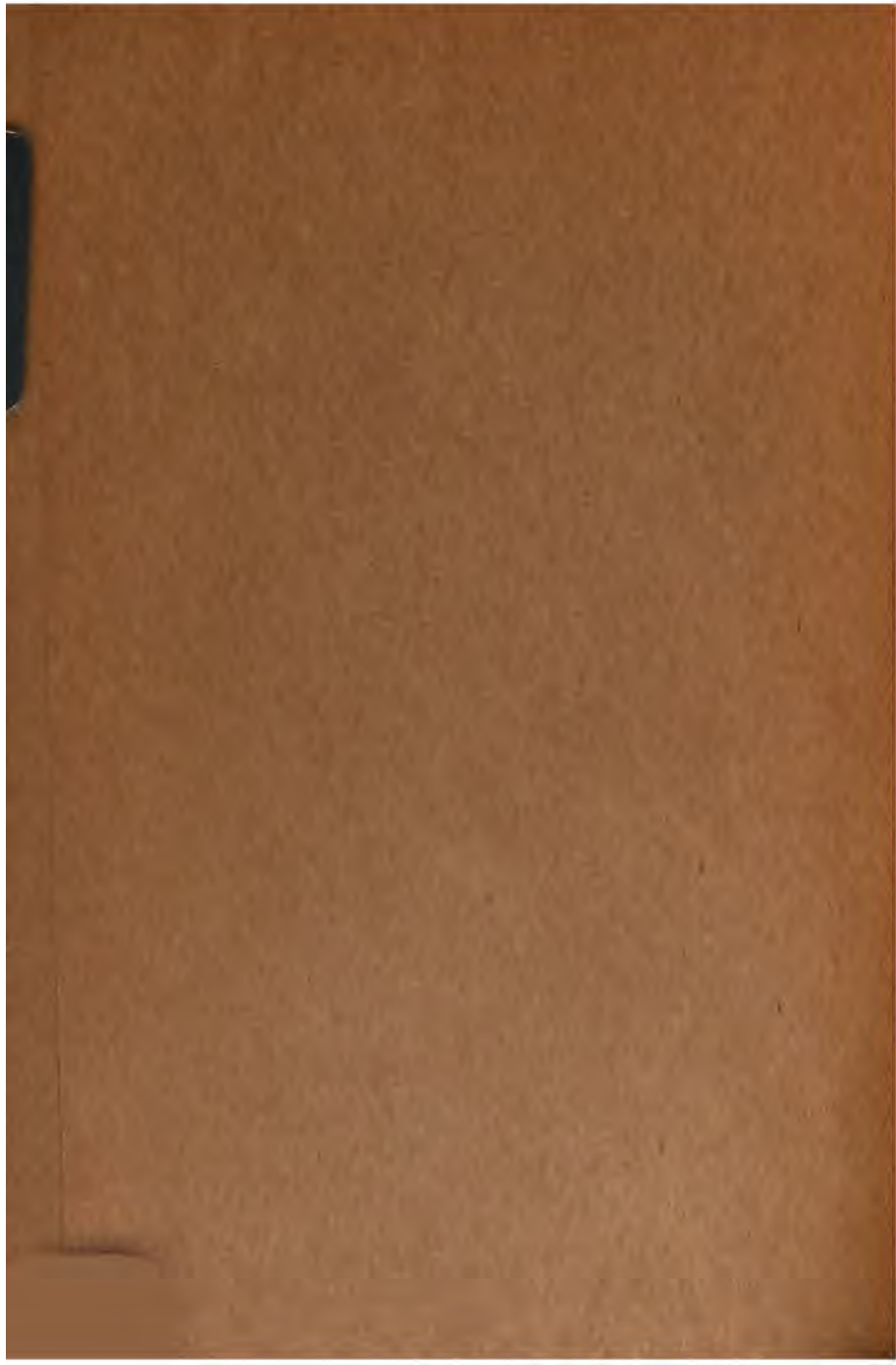


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THE NEW CIVICS

THE ASHLEY BOOKS
ON
THE NEW SOCIAL SCIENCE
FOR
SECONDARY SCHOOLS

EARLY EUROPEAN CIVILIZATION 715 pages

MODERN EUROPEAN CIVILIZATION
710 pages

AMERICAN HISTORY (REVISED) 580 pages

THE NEW CIVICS 420 pages





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HORACE MANN BUILDING, PASADENA HIGH SCHOOL, PASADENA, CAL.

(As civics is a matter of collective citizenship rather than a study of government, in the solution of problems of the citizen and the public, education must have at least as large a share as legislation or the administration of law.)

THE NEW CIVICS

A TEXTBOOK

FOR

SECONDARY SCHOOLS

BY

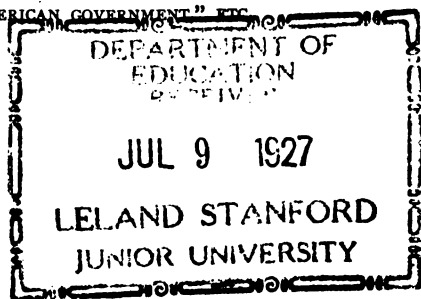
ROSCOE LEWIS ASHLEY

AUTHOR OF

"THE AMERICAN FEDERAL STATE"

"GOVERNMENT AND THE CITIZEN"

"AMERICAN GOVERNMENT" ETC.



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PREFACE

THIS book deals with American citizens in their collective relations to one another. It treats also a few important individual relations which are of such importance socially that they are really *public* in character. It is easy to see why a high school textbook in civics should place emphasis, first upon the citizen and citizenship, secondly, upon the "public" as an organized group of citizens, and thirdly, on the activities of the governments which the citizens have created and through which the public cares for many of its collective interests. Practically all of this material has been tried out in classes by the author and others and has been revised to meet high school needs as perfectly as possible.

This book is really an introduction to the study of the new civics. The civics which is studied to-day is naturally different from that of a generation ago, and from that of a decade ago. The form and functions of many American governments have changed in the last quarter century; the spirit of American government has changed even more. The greatest change has been, not in the government itself, but in the purpose and aim of high school courses in civics. Once we were content to examine constitutions. Next, we added an elaborate study of the organization of our governments. Still later, we emphasized the activities of government as more important than constitutions and governmental machinery. Now, we stress citizenship, because the youthful citizen should know how society is organized and what he should do for society as well as what it does for him, as a citizen and a member of that society.

In the author's opinion the new civics is and should be the heart of the new high school course in the social sciences.

The field of this new civics might seem at first glance to lack definite boundaries. The more one studies it, however, the more one is impressed with the simplicity yet completeness of the subject. Naturally public organization and activities occupy a broader field than governmental organization and activities, in just about the same way and to the same degree that governmental organization and activities (as subjects for study) are bigger, better, and more valuable than formal constitutions and governmental machinery. Naturally also one would not think of presenting to high school students a completely analyzed treatment of this subject or any other. That would be too formal; the pupil should study it from his own point of view as an individual citizen.

The study of civics should give the student some idea of his place as a member of society and therefore of his rights and duties as a citizen. It should train his judgment and develop his ability to discuss civic problems, yet it should emphasize continually the important fact that he is not solving these problems but is simply trying to weigh arguments and proposed solutions. Last and most important of all, it should make him a more intelligent, a more efficient, and therefore a better citizen.

The author's thanks are due to many teachers, especially to his colleague, Miss Winnefred Millspaugh, who has made use of much of this material in her civics classes, to Mr. Harold N. Greenwood, Head of the History Department of the Jefferson High School, Los Angeles, California, and to Miss Margaret S. Carhart, formerly of the faculty of the University of Colorado.

PASADENA, CAL., January, 1917.

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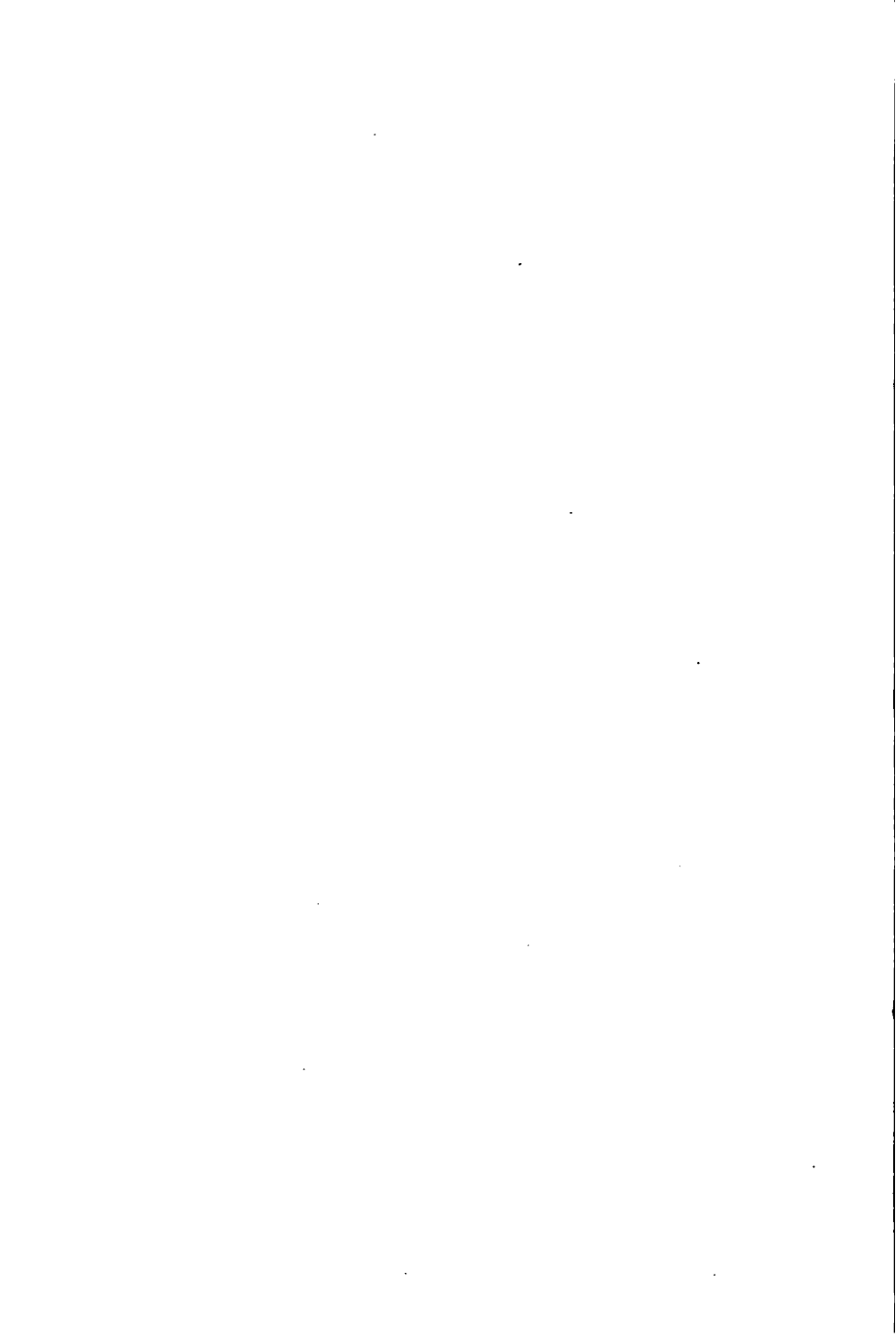
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SUGGESTIONS TO TEACHERS

THE arrangement of material in "The New Civics" makes possible the use of the book for supplementary work in connection with American history, or for a short course in American government, or for a thorough course in civics.

If the book is used simply for supplementary work in a course in American history, the author would suggest that, early in the year, the pupils *read* Chapters I, II, Sections 60-67, Chapter VI, Sections 122-126, and Chapter XI. Chapters XII and XIII may be read in connection with the adoption of the Constitution. Supplementary readings should be given in "The New Civics" as frequently as possible in order that the pupils shall have read the whole book before the close of the year. By the use of the Table of Contents the students can then locate any subject which should be *studied* in connection with any topic in history. If possible, two weeks should be saved near the end of the year for a general survey of civics and a review of material which has been examined carefully.

Classes which have but a *short time* for civics and wish to emphasize *government* should devote their attention first to Chapters I and II, to Sections 60-67, and to Part II. Many topics of Part II will of necessity be studied carefully. All of the book should be *read* by all students. As far as possible the topics should be read in the order in which they are presented. Students in these classes will wish to make use of many suggestions given below.

In order to understand the new civics, the subject should be studied in its entirety and should really be studied. The

author has found that the student best equipped for a study of government and its activities is one who understands the nature of civic relations (Chapter I), geographical and racial conditions in America (Chapter III), and the social and economic organization of to-day (Chapter IV), as well as the political organization. Great interest has been aroused, not only in those features of American government in which the voter and the taxpayer share (Chapters VI-IX), but in those civic interests or activities (Chapters II, V) in which every citizen has a part. Almost as much interest has been shown in the public activities considered in Part III of this book. One or two topics and a few sections in other topics are rather difficult. At least they should be read, not omitted, for they will repay study more than any others in the book.

As suggested in the Preface, no course in civics can be satisfactory which is not vital to the student. He must not only investigate the actual work of government in its many practical phases, but he must understand what rights and obligations he has as a citizen toward the public in connection with any civic organization or activity. For this investigation many of the "Questions" at the ends of the chapters can probably be used to advantage. Each pupil ought to do some additional outside work each month, in order to gain skill in discriminating between important and unimportant facts, in making notes, and in formulating reports. With this end in view the references under the head of "Studies" at the ends of the chapters have been selected carefully from books and magazines that are easily accessible. It will probably be possible, also, for each pupil to prepare a more formal paper or give an extended oral report upon one of the "Topics."

Much can be done in the classroom in studying constitutions, charters, sample ballots, and newspaper or pamphlet reports of civic activities. These can be obtained practically without expense. If possible, each school should gather a library of this material for permanent reference work. Not

only should there be numerous copies of the state constitution and the city charter, but this library might contain sample ballots, legislative bills, the forms used for tax statements and receipts, reports of local auditors, and reports of state or city commissioners on public utilities, railways, or other public activities. Interest may be quickened by holding a legislative session at which bills are presented, debated, and brought to a vote. Trials with a judge, jury, attorneys, and witnesses may be possible by a little extra preparation and help from outside if necessary.

The following books may be found especially helpful in connection with this text. In selecting books for a large library it is well to have numerous duplicates of the best books as well as a large number of titles.

A SMALL LIBRARY

Young, *The New American Government and Its Work*

One of the three following:

Bryce, *American Commonwealth*, Vol. I, or abridged edition

Hart, *Actual Government*

Ashley, *The American Federal State*, revised edition

Beard, *American City Government*

One of the following:

Towne, *Social Problems*

Carlton, *History and Problems of Organized Labor*

A MEDIUM-SIZED LIBRARY

All of the books named above and the following:

Kaye, *Readings in Civil Government*

Beard, *Readings in American Government and Politics*

Reinsch, *Readings on American Federal Government*

Cleveland, *Organized Democracy*

Reinsch, *The American Legislature and Legislative Methods*

Nearing, *Social Adjustment*

Nearing, *Woman and Social Progress*
 Zueblin, *American Municipal Progress* (new and rev. ed.)
 Blackmar and Gillen, *Outlines of Sociology*
 Hayes, *Introduction to the Study of Sociology*
 Commons and Andrews, *Principles of Labor Legislation*
 Marshall, Wright, and Field (eds.), *Materials for the Study of
 Elementary Economics*
 Hamilton (ed.), *Current Economic Problems*
 Ross, *The Old World in the New*
 Mangold, *Child Problems*
 Bliss (ed.), *The New Encyclopedia of Social Reform*

A LARGE SCHOOL LIBRARY

All of the books listed above and the following:

Woodburn, *Political Parties and Their Problems* (rev. ed.)
 Munro (ed.), *The Initiative, the Referendum, and the Recall*
 Jones, *Readings on Parties and Elections*
 Munro, *The Government of American Cities*
 Howe, *The Modern City and Its Problems*
 Baldwin, *The American Judiciary*
 Fairlie, *Local Government in Towns, Counties, and Villages*
 Plehn, *Introduction to Public Finance* (rev. ed.)
 McLaughlin and Hart (eds.), *Cyclopedia of American Govern-
 ment*
 Baldwin, *The Relations of Education to Citizenship*
 Brewer, *American Citizenship*
 Bryce, *The Hindrances to Good Citizenship*
 Ellwood, *Sociology in Its Psychological Aspects*
 Hart (ed.), *Preventive Treatment of Neglected Children*
 King (ed.), *Regulation of Public Utilities*
 Stimson, *Popular Law-Making*
 Rubinow, *Social Insurance*
 Ripley, *Railroads: Rates and Regulations*
 Van Hise, *Conservation of Natural Resources*

PART I
THE CITIZEN AND SOCIETY



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THE NEW CIVICS

CHAPTER I

CITIZENSHIP

SOME ESSENTIALS OF CITIZENSHIP

1. Definition of American Citizenship. — If you were to ask some older person who a citizen is, it is possible that he might reply: "Why, a voter, of course." Only a few years ago most people confused these two essentially different terms, the citizen and the voter. Whereas a VOTER is an *adult* who takes part in the *government*, the CITIZEN is a *member* of the *nation*.¹ As the voter is a privileged person, only a small percentage of all citizens are voters, even in this democratic country of ours. The citizen, on the contrary, is a regular member of the large society which we call the United States of America. Citizenship is therefore *social*² rather than political. It is *universal* rather than limited. It is a *natural right*, not a conferred privilege.

Citizenship
as a uni-
versal right.

In this great society or nation known as the United States citizenship is defined in the national Constitution. According to the Fourteenth Amendment, "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside." Since citizenship comes to

Acquisition
of citizenship
by birth or
naturaliza-
tion.

¹ The citizen is a member of a nation or sovereign civic society.

² The term *social* is used in two senses, a *narrower sense*, in which it includes a study of classes, and of the relationship of individuals or groups to other individuals or groups; and a *broadier sense*, in which it includes economic and political organizations and activities as well as those which are social. In the above statement it is used in the broader sense.

every one born within the limits of the United States, irrespective of color or of the nationality of his parents, we see why citizenship is social, is universal, and is natural. Since a foreigner who has lived in the United States five years¹ may acquire citizenship through naturalization we can understand that no bona fide resident of this country, foreign as well as native, worthy of membership in this great nation, is debarred from citizenship.

How citizenship grows out of relations; relations out of needs.

2. Individual Needs and Civic Relationships. — The Fourteenth Amendment tells who are citizens, but it does not tell us what citizenship is. *Citizenship is the sum total of those rights and duties which come to us from our membership in this American nation.* As we shall see later, these rights and duties grow out of our relations with one another. Our relationships in turn grow out of our needs, because, whenever we need anything which we cannot supply for ourselves, we depend for it upon some other person or upon some other group of persons. In addition, if we have things which we do not need, we naturally furnish them to other people who have need of such commodities or services. Consequently our needs or the needs of other people bring us into relationship with numerous persons in the home, in the school, and in business, people who are dependent on us or upon whom we depend. We may say, therefore, that we have *civic relations* with any of these people with whom we are connected socially or in the business world, because we do something for them and they do something for us.²

¹ In order that aliens in this country may become really identified with us in their interests, opportunity is given to acquire citizenship within a period of five years. At any time an alien may declare his intention of becoming a citizen. He must do this before a federal court. Not less than two years nor more than seven years later, if he has resided in this country at least five years altogether, he must go before a federal court or state court of record, forswear his allegiance to the country of which he was formerly a citizen and prove to the satisfaction of the court that he would make a desirable American citizen. Citizenship papers are then issued to him. When a married man is naturalized, his wife and minor children do not need separate naturalization papers.

² Strange as it may seem, villages, cities, and sometimes nations have been created chiefly for the purpose of looking after the individual needs of large groups of people.

3. Individual Needs and Public Needs. — Needs are of two kinds, those that are distinctively personal or individual and those that are general or public. Food, clothing, shelter, and other articles which satisfy individual needs are either provided by ourselves or are supplied for us by some one who feels responsible for us. The business world is organized largely for the purpose of furnishing the goods or services which satisfy individual needs, and each of us can secure them for himself if he, or the person upon whom he is dependent, has sufficient wealth for that purpose.

Nature of individual needs.

We need, however, many other things not less important but different, which each of us cannot buy for himself. We need highways (roads or streets) on which to go from our homes to school or to our places of business. We need fire protection for our houses, and police protection for ourselves and our property. We need rules or laws which shall define our relations to those with whom we associate or do business, so that we shall know what rights and obligations we have with one another. These are *public needs*, which must be satisfied by *groups*, each of which acts as one person, since each individual in any group cannot do these things for himself.

Character of public needs.

4. How Political Organizations grow out of Public Needs. — Naturally the groups which we have mentioned should be *permanently organized* because they must continue to do work for the public. New streets and roads must be opened; old highways must be kept in repair. Fire and police protection must be given day and night, year after year. It is necessary to make new rules or laws as conditions change, and there must be some one to enforce and interpret law as the need arises.

Need of permanently organized governments

These *public groups* which look after general public needs are either *local*, as cities, towns, and counties, or *state*, or *national*. Each group has its organization of officials, small and simple if public needs are few, or large and complex if needs are numerous as in a city such as greater New York, or in the national government. These sets of officials repre-

Different governments

sent the *political organizations* or *governments* of their respective groups. We speak of the machinery and activities of these political organizations as *government*.

Need of organization, powers, and authority for each government.

Each government is made up of sets of officials. Some of these officials make laws, some enforce laws, and some interpret laws. These officials constitute the *machinery* of government. The work or the powers of these officials or any of them constitute the *activities* of government. Since these governments represent us and must satisfy our public needs, they must possess *authority* in order to accomplish their work.

Economic interests protected by our governments.

This work of our government does not consist solely of activities which we call political. To be sure there must be laws or rules which specify not only who may vote and what powers the government shall have, but in addition laws must be made and enforced in regard to private property and contracts. If we own property, and some one else seizes that property, or, if we make a contract with some one else and he fails to keep his agreement although we carry out our part of the contract, then some organization, clothed with authority, must protect our *economic rights* in our property and our contract. The government does this.

Importance of our economic organization to most citizens.

5. Other Civic Organizations that grow out of Needs. — Since our economic interests are exceedingly numerous and important — because after all the task of making a living is far more important than the work of governing and being governed — we require and we have an *economic organization*¹ which is far larger and more complex than any of our governments. We can understand this need if we realize that only about one per cent of all the people in the United States are regularly and *actively* engaged in the work of governing this country, whereas more than half of the American people are actually employed in the work of producing wealth, on farms or in factories, on railways or in stores. All people, of course, have a passive share in the work of both the political and economic organizations, but it is certainly quite as important to be

¹ For a fuller account of Economic Organization, see below, Chapter IV.

fed and clothed and sheltered as it is to live under good laws and a wise government.

That these organizations supplement or help one another cannot be doubted. Unless the government gives us good laws which are wisely administered, our business suffers. On the contrary, unless business prospers and wealth is produced in large quantities, our governments fail because of lack of proper financial support or because their resources are insufficient in some great crisis. Thus economic organization and political organization are necessary to each other, both being interdependent forms of *civic organization*.

Interrelation of political and economic organizations.

Still another civic organization do we have because we have still other needs, individual and public. In infancy and in youth we are not much interested in government or in business, but we are greatly concerned with our homes and with our schools. The family group, the most important single group in the civilized world to-day, is neither economic nor political; it is social. To be sure it must do its share in producing wealth, it does its share in consuming commodities, and it is regulated to some extent by our governments, through, for example, marriage and divorce laws, or through laws defining the obligations of parents and the rights of children. Primarily, however, it is a social group, for civilized society is organized in families. Therefore we have a third civic organization, closely related to the other two, a *social organization*.¹

Place of social organization in present American civic organization.

6. Civic Organizations and Civic Relationships. — Each one of us, and every other citizen in the United States of America, is connected directly or indirectly with not one but many civic organizations, social, economic, and political. We are members of families and of communities and of the nation. We may not be engaged in producing wealth and therefore may not be connected with employers, that is, have direct relations with them, yet some one who furnishes us with everyday necessities must be an employee unless he is an independent worker or an employer. Although we may not

Relation of the individual citizen to economic groups.

¹ For a fuller account of Social Organization, see below, Chapter IV.

seem to be engaged in buying from or selling to others, nevertheless we must eat or starve, we must be clothed and sheltered, and so we are *directly* dependent on that person, employer or employee, who provides us with these necessities and comforts. We therefore are dependent *indirectly* on those persons who have produced them.

Relations of the individual with the government.

We may not vote, but we share in the benefits of a government which protects us and gives us schools, libraries, parks, and other civic advantages. For example, we have *direct relations* with the government if the postman brings us letters or the teacher helps us gain an education, and we have *indirect relations* every day and all the time with other officials of our governments, such as policemen who keep order.

Direct and indirect relationships with individuals or with groups.

Our civic relationships are therefore (1) *direct* or *indirect*. They are direct if we deal face to face with other individuals or with groups. They are indirect if we never meet the individual or the organization with whom we are dealing. (2) They may be with *one* member of a group to which we belong, as our fathers or schoolmates, or with some person in another group, for example, the miller who ground the wheat which we used in bread. (3) They may be with *whole groups* of which we are members, for instance, the family and the school, or with groups of which we are not members, as the workers in some factory or department store whose goods we use. (4) These relationships are likely to be of different kinds, as *social*, *economic*, and *political*. They are therefore exceedingly numerous, because our civic organizations are very large and complex. (5) Finally, and this is a point for us to consider with the greatest care, the relationships are there whether we will them to be or not.

SOME RIGHTS OF AMERICAN CITIZENSHIP

Why some relationships are rather one-sided.

7. One-sided or Two-sided Relationships. — So numerous are these civic relationships of every American citizen that his rights are almost infinite in number. At this point we can consider only a few of them. We must notice, however,

that they are of two kinds, one-sided or two-sided. (1) Some relationships are rather one-sided, of course. A mother does many things for her young son or daughter, expecting and receiving comparatively little in return. In relation to her children her rights are far less numerous than her duties. For that very reason the very small child, in dealing with either of his parents, has many more rights than obligations. This example shows us, however, that, if one or two persons who have dealings with each other has an unusually large number of rights, the other has a correspondingly large number of duties.

(2) Most relationships existing between one person and another or between one person and a group are not, and cannot be, one-sided. For example, the right of the student to good teaching not only means that the teacher should teach the subject well, but that the student should do his share, that is, perform his duty by studying his lesson. Again, although we must have food, no grocer is obliged to sell us the food which we prefer for such a sum as we are willing to give. He gives value for value. So, in most relationships, we can enjoy *rights* if we accept the *obligations* which go with those rights, since almost every relationship, being two-sided, creates something which we may call a right and demands in return something else which we call a duty or obligation. Every right and practically every privilege, therefore, has a corresponding obligation, and good citizenship requires that we meet those obligations.

Why most relationships are two-sided

8. **Childhood Rights to Life and Health.** — As suggested above, for the boy or girl citizenship deals more with rights than with duties; for the older citizen it is concerned chiefly with obligations. The reason is this: the needs of the child are great in proportion to his ability to help others. In childhood and even in youth he is dependent on those with whom he is associated. As he grows to maturity, however, he learns first to supply most of his own needs and later to care for those of others in addition. To be sure, his own needs may be greater as a man than they were as a boy, but

Why the child has relatively more rights, the adult relatively more obligations.

his abilities and his opportunities have developed far more rapidly than his needs. Although the masculine pronoun is used almost exclusively here and later in this book, the statements include girls as well as boys, women as well as men.

Civic importance of good heredity and good health.

To a large extent the rights of the child are the rights which he has in the home. When he is born, he becomes not simply a citizen of the United States, but, what is more directly valuable to him during his early years, a member of a home. He is entitled to a good start in life. Two of the first and greatest rights of childhood are the rights to a fair degree of health and to a place in a real home. The child who lacks either of these is deprived of a large part of his heritage as an American citizen. If he comes into the world weak, imperfectly developed, with constitutional tendencies to disease, he is not only handicapped in his personal fight with life, but he is denied the opportunity of giving to others the help and support which a normally healthy child, youth, or adult should offer. Usually good health is an important element of good citizenship.

Protection of the little child by the home, community, state, and nation.

9. The Rights to Favorable Surroundings. — Whatever may be his physical and mental heritage, the little child has a right to clean, healthy, favorable surroundings. The *home*, the *community*, and the *nation* must each do its share in guarding these rights of childhood. Lack of cleanliness and tidiness may be due to the negligence of the home-maker; but unsanitary surroundings, sunless tenements, and filthy alleys are failures of the community rather than of the family. The excessive mortality among infants in the slums is caused chiefly by overcrowding, poor milk, and scarcity of fresh air — failures of the city to protect its children; for, after all, the ignorance and carelessness of mothers is a minor cause. Much has been done in our cities to give the babies of the slums a "fighting chance," but society owes them even more careful guardianship in order that they may have health as well as life.

In later years the home, the community, and the nation must furnish surroundings which make it possible for the

child to be a healthy, honest, and intelligent citizen. Not only must the home be clean and cheerful; it should be a real home in which the members of the family live in harmony and give the child and youth proper training and discipline. The community has not done enough if only good schools are provided; it must furnish a decent moral atmosphere. The state and nation must

Need of agreeable and moral conditions which favor real development of the citizen.

see that good laws and a public sentiment which demands fair dealing not only give the youth every chance to learn right and avoid wrong, but that they furnish an opportunity to grow to manhood or womanhood with high ideals, honest standards of conduct, and a mind not warped by prejudice and hate.

10. Why Rights are protected by Negative Means. — These rights which we have been considering are not safe-



CONDITIONS IN WHICH SOME CHILDREN LIVE.

guarded so much by law as they are by a true sense of civic obligation on the part of parents or the public. Since we are often dealing, however, with individuals who, unlike our parents, may wish the best of the bargain, our rights are defined in the law and are protected by our governments. It is natural that these legal regulations concerning rights and duties should be negative rather than positive; that is, they should deal chiefly with *prohibitions*. The law cannot compel people to be honest, but it can punish them for stealing. It does not force the baker to bake good bread, but he is not allowed to sell loaves which are below a certain weight. It does not force a voter to go to the polls,

Guarding of rights demands protection rather than compulsion.

yet it does not permit minors and, in some states, women to vote.

Protection of rights from criminals through the criminal law.

Since some persons prefer to injure rather than to help their fellows, the laws protect our rights by declaring certain acts to be *crimes*. An act is criminal if it injures not only the aggrieved person but society in general. Technically it is a crime, however, only when the law declares that such an act is a crime. The broadest way in which society protects itself and the rights of its members is by defining crime and punishing criminals. It also protects its members carefully from unjust charges and attacks. If accused of crime, a citizen has rights which are safeguarded in numerous ways so that he will not be punished unless he is really guilty.

Guarding of our interests through the civil law.

11. Some Rights that we have in dealing with Other Individuals. — *Protection* of our interests is not granted solely against criminals. It is extended to every sphere of our life, political, economic, and social. If a person interferes with us, our rights, or our property, he may do so not because he is a criminal but because he believes that he has a right to do what he has done. The dispute may be over the payment of a note or the fulfillment of some other kind of contract. It may arise out of an employee's neglect of work or an employer's failure to place proper safeguards on dangerous machinery. Such disputes are not criminal in nature but lead to *civil cases* which the courts must decide. The rights of each party are investigated, and a decision is given to protect the one whose rights have been infringed.

Two kinds of protection which the citizen has in relation to his governments.

12. Rights under our Governments. — Every American citizen is entitled to rights, not only in his dealings with other individuals but with groups. His legal rights are those which he has (I) *under* the organization which makes the laws, that is, the government, or (II) *against* that organization.

Types of freedom guarded by the government.

(I) *Under* the governments the citizen has a right, by the state or national Constitution and by statutes, to his life, liberty, and property. He has the right to protection under the law equal to that given by the government to others.

The rights which he has against criminals and in civil suits come under this heading, but the government protects him in multitudes of ways in addition to criminal cases and civil suits. He is protected when he travels abroad. He is allowed to go and come from his home as he pleases. He has the right and freedom of thought and action, including political belief ¹ and religious faith.

Moreover, our governments frequently and usually *promote the welfare of the citizen*. Free public schools, parks, and playgrounds exist for his benefit. The organization of corporations with many legal privileges aids his business and increases the amount of wealth which is produced. Freedom from taxation makes easier the work of hospitals, homes for children, Y. M. C. A.'s, and churches. Public utilities, such as municipal water plants and the national Post Office, give service without making profit the first and chief consideration. The individual citizen benefits directly or indirectly from these activities of our governments.

Promotion of public welfare by our governments.

13. Rights against the Governments. — (II) In the past most governments, that is, political organizations, were not democratic. Consequently they were more interested in helping the class to which the rulers belonged than in protecting the rights of the people. The history of the English people for several centuries was to a large extent the story of a struggle by those who did not have control of the government against the arbitrary rule of the king and his advisers. Magna Carta, the increasing powers of Parliament, the Petition of Right, and the Bill of Rights limited the powers of the English monarch and gained rights for the citizen of England before 1700. In the American colonies the colonial assemblies strove constantly, during the seventeenth and eighteenth centuries, to limit the authority of the royal governors.

Need of protecting people in the past from their government.

When we adopted our national Constitution and framed our state constitutions, we adopted bills of rights which pro-

¹ The "right" to vote is a political privilege. It becomes a right of any citizen only when it is conferred on all persons of the group or class to which the citizen belongs.

Bills of rights in our national and state constitutions.

Four classes of rights.

Demand for individual liberty in the late eighteenth century.

Why social rights take precedence of individual rights.

tected citizens *against* the aggressions of the rulers whom we selected for our governments. Most of these provisions were copied from the old English laws just mentioned, but some others have been added which aim to keep our officials from interfering with other liberties of the people.

14. Summary of Rights. — We can see from this brief survey of rights that there are four classes of rights which make up "civil liberty." (1) First there are the rights to opportunities such as a good home, decent surroundings, and good schooling. (2) Then we are entitled to protection against such dangers as preventable diseases, cruel treatment by parents, and unfair domination by huge and unscrupulous corporations. (3) We have rights to life and property which others must respect. These are protected by civil and criminal laws through the courts. (4) Last of all, though protected long before others were safeguarded, are the rights which we have against arbitrary government.

15. Individual Liberty and Social Progress. — During the last part of the eighteenth century, when we gained our independence from Great Britain, there was a widespread protest, especially in the United States and France, against arbitrary government. It was asserted that all men should have certain natural rights as individuals. Since arbitrary government denied these rights, the people overthrew the old rule and established new governments based on *individual liberty*.

The experience of the American people during the last fifty years proves that individual rights are neither the chief object of government nor the best basis for popular rule. We have come to believe that the individual should have rights chiefly because society is the better off for his having liberty. But if this liberty means that others must have fewer rights than they otherwise would have, his rights are gained at the expense of social progress and welfare. This is true, even if his liberty does not degenerate into license, that is, the freedom to do exactly as he pleases.

Therefore we assert that the individual should have just as

much liberty as is best, first for society, and secondly for him, neither more nor less. In other words, his rights are not so much the rights which he has as an *individual* as those which he enjoys as a *member of society*. This seems to be fair and just, for rights are after all only the *advantages* which he enjoys from his relations with his fellows (§ 8). In short, rights do not belong to the individual as such, but to the individual in his associations with other members of society.

Rights of the citizen are not individual rights but social rights.

SOME CIVIC OBLIGATIONS

16. The Connection between Interests, and both Rights and Obligations. — If a citizen's *rights* grow out of his association with his fellows, that is, out of his *civic relations*, his *obligations* are no less an outgrowth of exactly the same relations. If his relations with other persons are simple, as in the case of a trapper who twice a year trades pelts for food and ammunition, the civic rights which he uses are comparatively few and his obligations are limited also. If he is an unmarried employee living away from home, his real rights in fact are not numerous, and his obligations, social and economic, are not heavy. On the contrary, a man of business, a head of a family, a person of importance in his church and community, has interests which are very much broader than those of the trapper or a bachelor employee. Each *interest* carries with it obligations and duties as well as rights or opportunities. A man who does an immense business and possesses properties of great value has correspondingly more rights and duties than another man whose wealth is less and whose business is smaller, but who otherwise has interests almost identical with those of the captain of industry.

How each interest of a citizen carries with it rights and obligations.

17. Some Primary Civic Duties. — Since duties are as varied as relationships or interests, they must be explained in later chapters when we discuss those relationships or interests. Only a few suggestions can be made here. The first duty resting on any citizen is to *know his obligations*, for if he is ignorant of a duty he probably will not do it. Possibly

The duty of knowing our obligations.

some obligations can be learned by studying his rights. As it is human nature to magnify rights, he is likely to know at least some of these rights even if he does not notice the obligations which accompany them.

Duty of attending school to learn our duties as well as other things.

This primary civic duty of knowing one's obligations is, of course, closely connected with civic education, although civic education trains us to know more than simply our duties. Since school education is an important means of learning our duties, evidently there is an obligation resting on the youthful citizen to make good use of that opportunity.

Importance of obedience.

Most people consider *obedience* the primary duty of any citizen, but we must first know what to obey and how to obey. The laws which have been made for society must be obeyed, of course, whether they are local, state, or national. Even if they are poor laws or bad laws, obedience is better than neglect, for a poor law which is neglected, *i.e.* not enforced, will remain on the statute books, whereas people will soon demand the repeal of a bad law which is enforced and the enactment in its place of a better law.

Obedience to high standards, to ideals, and to principles.

He must help to keep order by being law-abiding himself. If he has low ideals, if he knows how to obey only when he is told to do or not to do something, he will never obey in any real sense. Obedience therefore means far more than outward conformity to law, whether that law is a law made by men or merely a natural law. It means obedience to high personal standards and high civic ideals. It means consideration for social welfare rather than regard for selfish interests. To obey in spirit as well as in the letter, one must be an honest, intelligent citizen. Otherwise the citizen fails in the most fundamental duty of all, patriotism (§ 32).

Duty to observe the personal and property rights of others.

18. Some Other Public Obligations.—Obedience to the laws of the land will keep us from injuring others or their property. Even the criminal is restrained by the knowledge that, if he takes the life of another person, he will be imprisoned for life or put to death. Therefore, he may observe the law through fear of consequences. A similar risk of punishment helps all men to obey the laws and to keep their hands

off the property of others. The higher type of obedience just considered should also lead all of us to have as great regard for the personal and property rights of others as we have for our own.

Every man who enjoys special privileges has a duty corresponding to each privilege. If a person is eligible to vote, he has also an obligation not simply to vote but to vote as his conscience and his intelligence dictate. If he owns property — wealth which he or his ancestors have amassed under the protecting care of society (§§ 144-145) — he is under obligation to pay his share in taxes or other contributions toward the support of the government.

Obligations growing out of privileges or other socially protected interests.

In times past, jury service and military service were looked on as important obligations on the part of a citizen to society. The jury is one of the few ways in which the average man can help directly in the carrying out of the laws and in the administration of justice. Military service was the chief means through which citizens could protect the country in time of danger. Judging from events in Europe during recent years, it may be as important in the future as it has been in the past.

Jury and military service, past, present, and future.

19. Duties to Other Individuals. — The duty of any citizen, old or young, to any other person or to any group of persons, grows out of his relations with those others, but it rests to a large extent on his obligations to himself. He owes it to himself that he should not shirk his duties to others. Almost every boy wants to be independent, manly, "square," and useful. Being honest and fair in his views of himself, he understands that his parents and his fellows have helped him to become a useful and valuable citizen. He owes his parents respect not simply because they are his parents but for care and guidance during his childhood and youth. As they may have given years of love and care without thought of return (though through mistaken kindness they may have been overindulgent), they are entitled to his filial devotion and his confidence.

Duties to parents and friends.

How can a boy be independent, manly, square, and useful, without granting the same opportunities and rights to

Why regard
for others is
the greatest
duty for a
citizen.

others? If he demands independence for himself, surely he would not expect others to have less; certainly he cannot expect to have independence at the expense of theirs. That would be neither manly nor square. But what is this independence? If it is the right to do as he pleases, injuring those who are weaker than he and disregarding the rights of others, he can become independent only through sacrificing the independence of others. But in that case might makes right, and independence is a possession only of the strong and brutal; of the prize fighter, not the gentleman; of the bully, not the man. Independence then involves a claim to those rights only which are conceded to others; the finer, the squarer, and more manly the boy, the more clearly he recognizes the obligations as well as the rights of independence. In the older days of chivalry there was a phrase which expressed this thought, "noblesse oblige," that is, nobility compels. So to-day the nobility of manhood, not of birth, makes regard for others the very essence of manliness and good citizenship.

Good citizen-
ship to be
measured by
what one
does.

20. Social Criminals. — For the normal citizen, rights and obligations must go together. Moreover, as has just been indicated, good citizenship must be measured by the emphasis placed upon obligations. The greatest citizen of any community is the one who really does most for it, not the one for whom most is done. The greatest Presidents are not those who have asked most of the people, but those who have done most for the good of the nation.

Four classes
that have
rights with-
out the corre-
sponding ob-
ligations.

If we were to consider the different classes of American citizens, we should find but four that are entitled to rights without being asked to do much in return. These are the little children, the "lame, halt, and blind," the sick, and the aged. These persons, because of their age, or on account of physical or mental defects, being unable to contribute their share to the general welfare, are exempt from most of the obligations which the normal citizen must perform.

There can be but one conclusion, those that insist on rights and refuse to meet the corresponding obligations fail in a

sacred trust: they are social criminals. They have taken from loving parents, from earnest friends, and from a beneficent country all that each could offer. In return they have been selfish wasters, gaining profit by others' loss, and injuring all who stood in their paths. Their fault and their failure may have been, in the beginning, the result of ignorance, but their failure is really explained by their unwillingness to live up to their obligations.

Why people who demand rights and neglect obligations are social criminals.

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Questions

1. Explain the difference between a citizen and a voter. Explain carefully all of the ideas in the expression, "citizenship is social, is universal, and is natural."

2. Show how an alien may be naturalized. What is the danger if only a short period of residence is required of aliens before naturalization; if the period is made rather long?

3. Show how government deals almost exclusively with *group* needs rather than individual needs. Show also how citizenship, *i.e.* membership in society, is concerned quite as much with individual needs. Show, therefore, why the subject of American citizenship is much broader than that of American government.

4. If possible name some persons or group in the home, school, community, state, or nation with whom we have social relations under *each* of the six classes of relationships indicated below.

A citizen has relations as follows:

Social	{	with individuals	{	in a group of which we are members	{	direct
					{	indirect
	{	with groups	{	in a group of which we are not members	{	indirect
				of which we are members	{	direct
					{	indirect
				of which we are not members	{	indirect

(A similar outline can be made for economic relations and political relations, if desired.)

5. If each of us has direct relations with our teacher and with every other member of our Civics class, what rights have we in our dealings with our teacher, with our fellow students? What obligations have we toward each and toward the whole class? Is there not a duty corresponding to each right and a duty connected with each right?

6. Why must society in general and each family in particular protect carefully and promote wisely all the rights of every child?

7. Why do we have rights *against* our governments as well as *under* our governments? Give three examples of each.

8. Illustrate the way in which obligations grow, or widen, with the improvement in the social, economic, or political position of the citizen. Why were military service and jury duty at one time the chief public obligations of every man?

9. Who are social criminals and why? In high school should any boy or girl allow himself or herself to act in a socially criminal way through ignorance or carelessness?

CHAPTER II

THE EDUCATION OF THE CITIZEN

HOME AND SCHOOL

21. Beginnings of Civic Training in the Home. — Like charity the training of the citizen begins at home. The training of a little child in the homelier, simpler virtues occurs during the years of babyhood and early childhood. Even if the home does not teach citizenship directly, at least it can and should lay the foundations of good citizenship in character.

Why civic training begins in the home.

The home is able to show the child that he has rights, not by giving him a list of rights to memorize, but by allowing him to exercise them daily. The better the home is from the civic point of view, the more it will teach duty through practice rather than through precept. It stands to reason that the real home is the one which neither neglects nor spoils the child. The home of our grandfathers, in which "children were seen but not heard," did not necessarily train the child well. It taught him to do as he was told, but it did not teach him self-reliance or self-direction. Such a strict supervision might have had no better influence on the youth or even on the child than the indulgence of many modern homes.

How the home teaches rights and duties.

There can be no doubt that the first duty of any home is to teach the child to obey. This does not mean that the child should obey orders blindly, for it may be assumed that the requests made of the child are not arbitrary demands but are reasonable. But in the home, as on the field of battle, if necessary, those who do not lead must obey without question — "Theirs not to reason why." In every organization, whether it is the family, the government, or the army, there

Obedience to parental authority.

must be some authority, and in the family this belongs to the parents — the head of the house. Respect for parents is the first form in which regard for authority is developed.

Actual use made of social responsibility and coöperation in the home.

The home teaches us some of our first and best lessons regarding the limitations of our own rights. For any one to have many rights which are denied to others of the family group is manifestly unfair. For each to have all of the rights that he may wish to enjoy is impossible. Where there are many members of the family, the "corners are rubbed off," not only of personal peculiarities but of unreasonable demands for rights. In making concessions to others who have rights of their own, the child learns his first lesson in *civic responsibility*, just as in helping about the home he learns his first lesson in *coöperation*.

Why general knowledge is necessary for citizenship.

22. What Kind of Education does a Citizen need? — Important as the home is in beginning the training of the citizen, it cannot complete his civic education. That must be finished in the school and in the world of affairs. In this country we have free public schools. What kind of citizen should our schools turn out? Should he have a general education or a technical education? Should our graduates be men of culture or men of affairs or cultured men of affairs? Can a man really help to manage a republic if he lacks the elements of a general education? If he is trained in a single craft, how is he to *know* much about so complicated a society as this nation of ours? If he doesn't know what his rights are or of what his duties consist, because his knowledge is too limited and his comprehension is too narrow, how can he be a good citizen? Shall we not say then that the more general knowledge he has the better is he able, other things being equal, to be a man and do his part in the world.

Why a practical education is valuable.

Shall we then learn no useful occupation or trade? We must earn a living, and we want it to be a decent living. We want it to be a living which will support more than just ourselves. Should the schools prepare its pupils for a craft or should they not? Certainly all must admit that a practical education is necessary, but what is *most* practical? From

the dollars and cents point of view, a practical education is one that prepares a man or woman to earn as good a living as possible with the least possible sacrifice. Sometimes a general education is therefore more practical than a technical education. Moreover, modern society is learning that for a



PRACTICAL WORK IN THE HIGH SCHOOL OF PRACTICAL ARTS,
BOSTON, MASS.

nation as well as for a citizen, the best education is the cheapest. We are constantly demanding more school training as a preparation for life and citizenship.

23. Self-education as the Only True Education. — The value of a school course depends on the extent to which it really does prepare, indirectly rather than directly, for life. If it teaches us to know ourselves better, to learn concentration and ability to study, to develop the power of analysis and the ability to think, it is worth while. If at the same time it teaches us to know the world about us — and the

Work that
a good school
must do.

ancients are often good masters in that capacity — and helps us to deal better with our fellowmen, it is preparing us to make a good return to society for the education which society has furnished.

Why education is self-education.

The value of any course depends far less upon the course than upon ourselves, for after all there is no education but self-education. If we let it awaken our interest, arouse our enthusiasm, and absorb our attention; that is, if we really learn because of the opportunities it offers, it will carry us a long way toward our goal. The process of education must be subjective — that is, of and by ourselves — rather than objective — that is, in the studies offered for our use.

Education as a social means of self-preservation.

24. Why Public Education must be not only Free but Universal. — The type of education is less important than its purpose, its character, and the extent of time that it covers. In a democratic nation education is not a luxury; it is a necessity, a means of self-preservation. Free public education is one of the chief means by which youthful citizens learn to become useful members of society. The education is not primarily for their benefit but for the advancement of the whole people. Public education, being a preventive and protective measure, must be compulsory, at least for the elements of school training.

Why education is connected with many other activities of society.

Education cannot justly be compulsory if the parents need the help of their boys and girls. If the wage-earner of a family is disabled, the children must earn money unless society sees that the family needs are met. If forced to labor, the children will be deprived of even a grammar school education. If children are not properly educated, how can they as adults earn a living wage, and provide for themselves and their families? Therefore, a complete system of public education is essential to prevent child-labor, to fit those deprived of sight or hearing and those who are lame or crippled for some work which they can do, and to give all boys and girls a preparation for life which will enable them to earn a good living.¹

¹ Education is therefore tied up in such apparently unrelated subjects as child labor, accident insurance, the minimum wage, etc.

If our school system does no more than that, it is doing but half its work. Vocational training¹ which is given in the grammar grades should supplement general training, not supplant it. There is danger that the child who is taught only a craft may become a member of a class, not a real citizen of a nation.

The value and the dangers of training for craft.

PREPARATION FOR LIFE AND CITIZENSHIP

25. Training in Citizenship in the School. — The school is a training ground for citizens less through its courses than through itself. It takes the child, acquainted only with inmates of his home or a few playmates, and makes him a

Practical and valuable civic experiences gained in school.



Photo by Verne Morton, Groton, N. Y.

BOYS' COURT IN THE GEORGE JUNIOR REPUBLIC, FREEVILLE, NEW YORK.

member of a much larger world. He is enrolled as one of a group, a grade, which normally has a room to itself. Here he has a desk in which he keeps his books and other belongings.

¹ The term vocational is here used in the narrow sense of preparation for a trade or craft.

He has regular hours for attendance. He is not allowed to do as he pleases, but learns to refrain even from talking unless it is desirable that he should speak. In short, he learns punctuality, obedience, orderliness, regularity, and industry. He gains his first real insight into coöperation, team work, when the group does any class work. In the school room and on the playground he discovers that others have rights which he must respect or he will be punished. In the classroom he finds that his own rights and those of others are defined in school rules; but on the playground public sentiment and the desire for "fair play" are the ruling forces. Thus for the first time outside of his home, he has a real lesson in citizenship.

Democratic schools the hope of democracy

By the school the child is prepared for democracy. We call this a democratic country. It was the boast of our Declaration of Independence that "all men are created equal," yet the free public school is one of the few democratic institutions which we possess. In it the child of the poorest and most ignorant parents has a place equal to that of the very rich child. He has the same kind of desk, similar books, and an equal chance to learn. If he possesses qualities of scholarship or leadership, he may have the advantage of his richer schoolmates in the classroom or on the playground. The public school is a great equalizer, in which social and class distinctions are reduced to a minimum. Does it not offer the best possible preparation for citizenship in a democracy?

Needs of organization, rules, and authority in school business, government, and society.

26. Degrees of Self-government in Different Schools. — To many children and youths the school seems undemocratic because it is not wholly self-governing. School rules and the authority of teacher or principal are continually interfering with the liberty of the pupil, and he is aggrieved. He may not yet understand that no society can govern itself without rules and organization. He does not realize that every society, the most democratic as well as the most absolute, follows customs or other regulations made by its predecessors or by outsiders. He cannot yet perceive that the essential

of success in a self-governing body of people is good organization; nor does he know that one of the first characteristics of organization is the granting of authority to those in charge of the work to be done.

Whether it is desirable to have active self-government in a grammar school, or high school, depends therefore on the students themselves. Through the making of public sentiment and the desire of a whole student body to do the right thing,¹ a school which has no "student government" may come nearer to actual self-government than another which has an organized student body, with officers and courts for the trial of school offenders. That school, city, state, or nation is not necessarily the most truly democratic which has the most democratic method of electing officials or the most uniform laws. Just as many modern states are content with the forms of popular rule without the substance, so some student bodies fail to value the substance unless they have also the forms of self-government. Of course any school in which the students as a whole wish to do right, and in which they have been given control of student affairs, halls, playgrounds, and study rooms, has an opportunity to be really self-governing which is denied to most other schools.

Why the substance rather than the form of self-government is better for schools and for nations.

27. The Honor System. — Every school gives every pupil numerous chances to prove his honesty. It is not necessary to cheat on examinations in order to be dishonorable in school work. Dishonest work may be found in dishonest preparation of lessons, in notebook work which does not represent the efforts of the pupil, in collateral readings that are done in a slipshod manner or done only in appearance, and in essays on which help has been received. Every school places upon

Extensive use of the honor system in most schools

¹ The schoolboy finds it difficult to understand that he and his playmates really decide how the school shall be governed. If students remain orderly under mild supervision, rules are likely to be lenient; whereas there must be harsh rules and heavy punishment if the students of the school are not law-abiding. School discipline necessarily is severe if pupils look upon leniency in the school authorities as weakness and the enforcement of very few regulations as a mark of inefficiency. It is hardly too much to say that, from this point of view, "as are the scholars, so is the school."

their honor the pupils who, day after day, work in study hall, classroom, or laboratory.

Problems in the use of the honor system in examinations.

Many students think of the honor system chiefly in connection with examinations. They resent too much supervision of tests. Yet those who are honest would resent more strongly any scheme by which the dishonest pupil could cheat easily and pass in circumstances under which the honest pupil would fail. If the teacher has no right or authority to prevent this unfair competition by which the cheater is the gainer, then the pupils must themselves make cheating unsuccessful and give honest work its just reward. How can that be done? Possibly in one of two ways. (1) Might it not be possible to *make every older student responsible for his own work*, making him see that if he cheats, he is stealing, and that in the long run he cheats no one but himself? Naturally we cannot depend on the honor of individual pupils in so important a matter as that of examinations, unless all pupils have high standards of school citizenship. (2) If any one in a class does cheat, the only fair plan is to *hold the whole body of students responsible*, forcing them to see that the culprit is punished, or at least is prevented from profiting by his dishonesty.

The selection of a vocation.

28. The Citizen in Business. — After school, what? Certainly some useful place in society, probably as a wage earner, or as a home-maker who spends the family income to the best advantage; in short, becoming an active member of our great industrial society. School education should have laid the *foundation* for life work in the industrial world. It need not have given the boy or girl a vocation;¹ but it certainly should have made possible

¹ The early selection of a vocation is almost as desirable with the girls as with the boys. If we know what we wish to do, we are apt to do it better because we have a definite aim in view. We may change our idea of a vocation, but the results of our earlier efforts will be of lasting benefit. Moreover, any person, boy or girl, man or woman, may be thrown absolutely on his own resources and forced to earn a living. The world is full of unskilled, unprepared applicants for work, among whom competition is keen and wages therefore are very low. A vocation for emergencies is an anchor dropped to windward, a safeguard worth having in time of financial stress and storm.

the rapid and successful acquisition of a vocation. The graduate from high school or college, having passed the sophomore stage or stages of his school career, should be willing to begin at the bottom and work his way up. School preparation is not a failure if it forces him to start on the lowest round of the ladder; it is a failure if he cannot climb higher.

In business the citizen is likely to be an employee, but he may be an independent worker or an employer. In almost every case he finds that he stands or falls on his business merits. He learns that competition is keener and more cruel than it was in the sheltered life of the home and the classroom. He is called upon continually to "make good" or give way to another. Possibly he is compelled to meet the unfair and unscrupulous dealings of business associates, for society through its government can prevent only the grossest forms of swindle and fraud. A citizen who wants to do the right thing finds that he needs *ideals of conduct* and knowledge of economic theories less than he needs *practical standards* which he can use.

Need of efficiency and good standards.

Whether he is an employer or an employee,¹ he finds it is necessary to work out a standard of *honesty*. An employee must be honest with his employer, with his customers, and with himself, for it is true to-day as in the past, "to thine own self be true, and it must follow, as the night the day, thou canst not then be false to any man." The solution of such a triple

The duty of an employee to his employer, to society, and to himself.

¹ An employer has more difficulty in deciding what is right because he must consider larger problems. Inevitably also an employer's standards have more influence on society than those of an individual employee. What are his standards of business ethics? Is it his idea that nothing is wrong unless it is *illegal*? Is *efficiency* his first and only criterion, even if his success is gained at the expense of his employees or the public? Better than either of these is undoubtedly the standard of *strict honesty*, unless honesty has too negative a meaning, as we noticed above. Certain also it is that he must succeed if he is to stay in business, that failure to stay in business injures every one of those with whom he comes in contact, and that therefore he who neglects his business for the supposed welfare of others is not a valuable citizen FROM THE ECONOMIC POINT OF VIEW, which is, by the way, a very important viewpoint. *Attending to business and making a success of business* are, other things being equal, very high proofs of good citizenship.

problem demands that he have definite standards of conduct ; a proper solution for a good citizen calls for character, good common sense, and knowledge not found in books.

FOUNDATIONS AND EFFECTS OF GOOD CITIZENSHIP

Importance
of personal
and of civic
character.

29. Character as the Basis of Citizenship. — It is a law of nature that a stream cannot rise higher than its source. It is no less true that good citizenship — considering citizens in their proper social, economic, and political relations — must rest on a solid foundation, — the personal character of each citizen. Character is not an attribute of a man — it is the man himself. It is not reputation, for his reputation is what others think of him. *Character* is far more than the sum total of those qualities which we sometimes call moral character. It must include in addition knowledge, discipline, ability, and efficiency. *Civic character* must also include public spirit. To discuss the qualities which lie at the foundation of citizenship because they make up character — moral character, general character, and civic character — we should need a separate volume. A few suggestions only can be attempted.

Negative
and positive
virtues in
character.

Self-control must underlie character ; otherwise we must be satisfied at the best with good intentions. We must have not only the desire to do right but the will to keep from doing wrong. Without self-control even the fundamental virtue of obedience to principle will remain undeveloped. But moral character is not negative. Pure-mindedness, industry, thoroughness, and perseverance are as truly its attributes as are the more negative virtues of self-control and obedience. Initiative and independence of judgment are equally necessary for the full development of character. We must not think more highly of the character of him who is simply "good" than of the one who "does things." A citizen should be not only good, but good for something.

Unselfishness is even more important in general civic life than it is in the family circle and in the school. The loving,

unselfish devotion of a father or mother is the mainspring of the home life, but *unselfish citizenship* — honesty in dealing with all men, fairness toward enemy as well as friend, adherence to principle though at a personal sacrifice — is a nobler and a rarer thing.

Unselfishness in personal and civic affairs.

30. Knowledge and Ability. — An important element of personal or of civic character is knowledge. Knowledge is not *information*, for the latter is but a mass of unrelated facts.

Information knowledge, wisdom.

Knowledge is information which has been organized, systematized, made our own. An English king, known for his learning, was called "the wisest fool in Europe." To be informed is not to have knowledge, and to have knowledge, so often do we fail to make it really our own, is alas, not always to have *wisdom*.

What knowledge is most worth while? We can only say, that which helps to develop us most by giving us the best understanding of ourselves and the best comprehension of life and its problems. *History* certainly is valuable if it shows us how humanity developed our civilization to-day. History gives us valuable lessons on the failures and successes of men in the past. If we can read those lessons aright, we may be able to avoid the pitfalls in which other peoples met their fate, and possibly we can profit also by their successes. If we do not know men and their motives, especially ourselves, our strength and our weakness, all other knowledge certainly will be vanity. Only that knowledge which can be used and which is used can be of value to any citizen.

Value and limitations of history in solving our civic problems.

As has been suggested, good citizenship consists less in intention than in action which produces results. The citizen must therefore be efficient as well as upright and well-informed. Efficiency should not be monopolized by the world of business; we need it every day in everything that we do. Good planning saves many hours of useless toil in the school as well as in the shop. Efficiency is needed in government and in all public activities. One nineteenth century post-master-general asserted that, in his day, the expenses of the Post Office Department could be reduced by one fifth if

Efficiency needed in all spheres of personal and civic action.

business methods were used. A prominent politician declared that he could run our national government for \$300,000,000 a year less than was actually being expended. Even if we do not admit that he could, we must agree that we wish all possible economy and efficiency in our governments.

Why civic duty ordinarily calls for none but common virtues and activities.

31. Civic Duty. — *Civic duty is not necessarily something outside of our everyday affairs*, nor does it involve for most of us any but common virtues. Ordinarily it does not consist in public display or in prominence among men. It is chiefly a matter of well-learned lessons, of honest work, of careful expenditure, and of upright living. Yet civic duty is more than all these, just as the character of any man or woman is more than the sum total of all his or her qualities. It is marked by a spirit of coöperation and mutual helpfulness in public as well as in personal matters.

How civic duties must take precedence of ordinary obligations.

There come times when strict attention to business, usually a very high form of civic duty, is pure selfishness. The voter who is too engrossed in his own affairs, valuable as they may be for him and for society, to vote at the primaries or at elections, is unpatriotic. The citizen who keeps silent when right and justice calls for his support is to be censured for gross civic negligence. The man who finds his first duty to his home and his work when his country demands his help may be guilty of treason.

Public spirit and high standards to-day.

We must be optimistic and help by "boosting" rather than by "knocking." Times have changed, but not really for the worse. While temptations for the public man exist now which were unknown in the more primitive days before the Civil War, it can truthfully be said that the general standards of public life and morality are higher at present than they were in the past. The American civic conscience is far from being fully awakened, but it is more active than it was a few decades ago. There is no less honesty and integrity among public servants than in the days of our fathers; while among the common people there is more intelligence, less prejudice, and a deeper sympathy for the oppressed. As Professor Moses so forcefully expressed it, "Humanity is marching steadily uphill."

32. Patriotism and Peace. — What is patriotism? What does it include? It may be defined as devotion to the best interests of one's country. It is a thing of peace rather than of war. It is a matter of everyday obligations, of honor, and of uprightness (§§ 27-31) rather than of crises and of military strategy. Subordination of personal wishes to the general welfare is necessarily one of its requirements, for the good of all is more important than that of any individual.

The nature of patriotism.

There is a form of national patriotism which is simply a survival from the late Middle Ages, when the king, becoming absolute, fought against barons and dukes, once all-powerful. This was a military, anti-feudal patriotism which found its expression in overthrowing the rule of the nobles, and in warfare for the king. It fed on race hatred and national jealousy. The survival of that patriotism has helped in recent years to drench Europe with blood.

Survivals of fifteenth century patriotism.

In this country, not many years ago, some people placed allegiance to a state above that to the nation. History has since decided that loyalty to a state must yield to national loyalty; and, although history is not likely to decide soon that loyalty to a nation is below that to a great World State, nevertheless there is danger that we may fail to do what is best for our own beloved land, because in our enthusiasm we make the mistake of thinking that our country, whether right or wrong, must be unswervingly upheld, when no national honor but the rights of others are involved. On the other hand, care should be taken not to minimize the value of constant and earnest allegiance to the United States and all that our flag represents.

National patriotism, its importance and its limitations.

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2. Mothers' pensions and the home. Craiger, S. M., in *Review of Reviews*, 52 (1915), 81-84.

3. Junior citizenship in the home. Hill, Mabel, in *Home Progress*, 2 (1913), 14-20.

4. Practical work in school. Burton, C. P., in *Technical World*, 21 (1914), 724-729.

5. The truant officer and his work. Fieser, J. L., in *Educational Review*, 43 (1912), 80-85.

6. The George Junior Republic. Hart (ed.), *Preventive Treatment of Neglected Children*, 42-49.

7. The school and social progress. Dewey, *The School and Society*, 19-44.

8. Shaping education to citizenship. Baldwin, *The Relations of Education to Citizenship*, 27-54.

9. Training for citizenship. Munroe, *New Demands in Education*, 156-171; Jenks, *Citizenship and the Schools*, 3-37, 75-95.

10. How to overcome the obstacles to good citizenship. Bryce, *Hindrances to Good Citizenship*, 105-134.

11. High schools and civic development. Hamilton, W. J., in *American City*, 10 (1914), 58-63.

12. Work of the New York Bureau of Municipal Research. Hopkins, G. B., in *Annals of the American Academy*, 41 (1912), 235-244.

13. Business men's coöperation in city government. Bruère, *The New City Government*, 384-400.

14. Higher patriotism. Hibben, J. G., in *North American Review*, 201 (1915), 702-709.

Questions

1. Show why civic training must begin in the home. Explain in what ways the home teaches lessons in coöperation and in civic responsibility.

2. Show that obedience for a little child means simply the carrying out of some injunction made by another person; that obedience for the youth involves at least a little thought and judgment on the part of the youth; and that obedience in an adult is usually a matter of using common sense and standing by principles.

3. Why should education in the United States be free and public? Why, then, doesn't the nation owe an education to us as individuals?

4. What are the chief objects of education? To what extent is general education necessary? In what degree does technical training fail to meet all of the best requirements of civic education?

5. Mention four ways in which the schoolroom or the school grounds give experience in real citizenship.

6. Is your school an organization? If so, does it need any authority? Does it need any rules and regulations? Would it be wise for the principal or faculty to delegate any of their authority to a student or to the student body, unless the student or student body knew how to use that authority right, and did use it successfully?

7. Under what circumstances or conditions might it be advisable, for the good of the school, that some of the authority or discipline exercised by the faculty should be shared with the student body? (Consider experience and character of students, willingness to accept full responsibility for work assigned to them, ability to maintain the high standards of the school, etc.)

8. Show how real self-government in any high school depends far more on the coöperation of students and faculty than it does on the forms of self-government.

9. Is it possible or desirable to have tests or examinations unsupervised by teachers, unless (1) *every* student who takes the test is really honest, and therefore refrains from cheating or gaining help in any way, or unless (2) the *class as a whole* assumes responsibility for every member and punishes those who cheat or try to cheat? Is any other alternative fair to the students who try to do the square and honest thing? Discuss the *problems* suggested in questions 9, 10, and 11.

10. How can the best work in history or civics be done by any class unless every student does absolutely honest work? Show that the best methods cannot be used if a student copies notebook work which he is supposed to do for himself, if his outside reading is done less thoroughly than he pretends that he has done it, or if he gets an unfair amount of help on written reports that are presumably his own work.

11. From the questions given above is it not clear that every school has a very great amount of self-government? Show that every student has innumerable opportunities to prove himself a good (school) citizen. Show that in school, and probably in later life, the truest

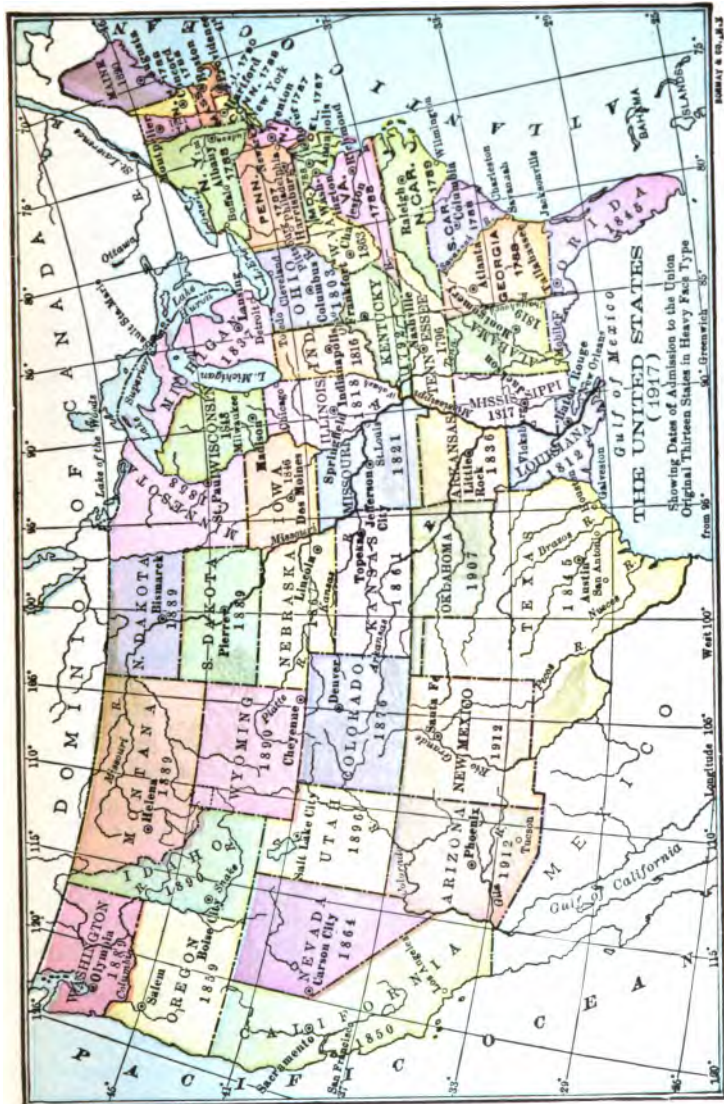
foundation of citizenship is character, and that plain honesty is one of the most important elements of character.

12. Why is a vocation desirable for any adult citizen? Why does any one in business or any one who has any dealings with others need *standards* as well as *ideals*? Discuss the problem of the duty which an employee has to his employer, to society, and to himself. Is it selfish to be true to oneself first?

13. What is the place taken in character by self-control, by honesty, by knowledge, by ability? What is the difference between information, knowledge, and wisdom?

14. Why must a voting or active American citizen be well informed, fair minded, and optimistic? Why does duty to the largest group which has been politically organized by the nation, *i.e.* the nation itself, take precedence of duty to the next largest group, the state (commonwealth), or to numerous smaller groups, social or economic?

15. Is it possible that there is more patriotism to day than there was a century and a quarter ago? Why do we say that the standards of public morality are higher than they were?



CHAPTER III

THE AMERICAN NATION

GEOGRAPHICAL ELEMENTS

33. Different Conditions in the Geographical Areas of the United States. — The preparation of the citizen for his work as a member of the American nation would be incomplete if he failed to consider briefly some important American conditions or neglected to make a short study of American civic organization, economic and social as well as political. The American nation is a complete society of more than a hundred million men, women, and children. These people live within one of six geographical areas: (1) the Atlantic slope from the Alleghany Mountains to the Atlantic Ocean, (2) the Gulf slope (exclusive of the Mississippi basin), (3) the Mississippi basin, (4) the Great Lake basin, (5) the Cordilleran or Rocky Mountain basin, and (6) the Pacific slope.

Six different geographical areas.

Each of these geographical divisions has certain advantages as the home of a people, but a comparison of the populations of different areas shows very quickly that the *Atlantic slope*, the *Great Lake basin*, and the *Mississippi basin* surpass all others. They are closer than the others to the European continent from which the American people or their ancestors came. The first contains most of the good harbors of the American coast, the second includes the only large bodies of water on the American continent, and the third comprises the largest and finest river system in the world, with the possible exception of the Amazon basin. Moreover, all lie in the central part of the north temperate zone, the best area for homes to be found anywhere on the globe.

Geographical advantages of three areas as homes.

Commercial
centers on
Atlantic
harbors

34. Commercial Areas. — If we consider the distribution of the people by occupation (§§ 40-42), we are impressed at once by the fact that about *a quarter of our people reside within a few great centers* of population and that another quarter live in about a thousand smaller cities. These people, of course, are engaged in commerce or industry. The fine harbors of the north Atlantic slope have brought together



Courtesy of World's Work.

large groups, engaged in trade with Europe on the one hand, or with inland cities on the other. Numerous railways furnish quick transportation from the interior of the continent to the Atlantic coast. New York was not much larger than Boston or Philadelphia before the Erie Canal gave it more direct commercial com-

munication with the West. Later even the railways could not make either of the other cities equal to New York.

Centers at
interior com-
mercial
"cross-
roads."

Second only to the commercial population centers of the north Atlantic coast are those of the Great Lake basin and, to a less extent, those of the Mississippi basin. For example, Buffalo, Detroit, Chicago, St. Louis, and Kansas City are located at commercially important crossroads.

Why com-
mercial cen-
ters are also
noted for manufac-
turing.

35. Industrial Areas. — Everywhere the exchange of commodities is accompanied to some extent by the manufacture of raw materials into finished products. Commercial cities have rather exceptional opportunities to reach materials and markets, and there is as much profit to merchants in improving the goods to be sold as there is in the sale of the goods

themselves. In commercial cities which give employment to heads of families numerous younger members of families are to be found who are free to work in shops or factories. In consequence, *most commercial cities are also noted for manufacturing.* New York and Chicago are not only our chief commercial centers; they lead in manufactures as well.

Although manufacturing and commerce go hand in hand, *some cities are more distinctively industrial than commercial.* If a city has access to cheap water power, either directly or by electricity, if it is near some raw material, as Minneapolis is near fine wheat fields or Omaha is close to lands on which

Dependence
of industrial
centers on
raw ma-
terials.

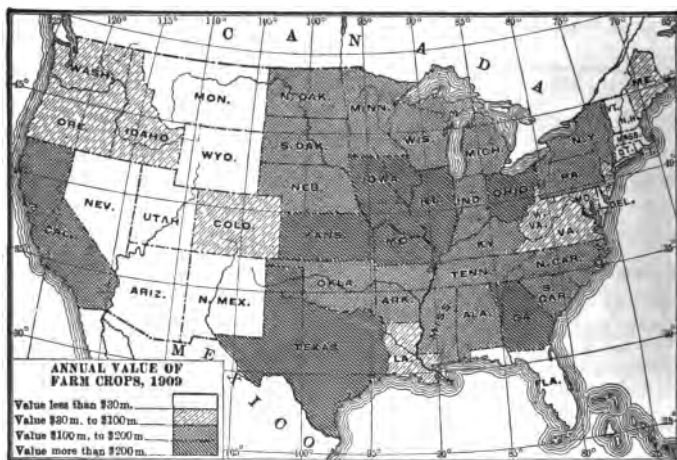


cattle or hogs are raised, it has advantages over all competitors and becomes a great industrial city. Even when near-by supplies are partially exhausted, if transportation charges are reasonable, the city still leads in its own line, as Pittsburgh does in the steel industries. Newer industrial cities, such as Birmingham and Gary, are likely, however, to be built nearer the source of raw materials.

36. Agricultural Areas. — *The dependence of commerce and industry on agriculture* is shown by the fact that we judge prosperity far more by the success or failure of the crops than we do by the total output of the factories or by the volume of our foreign trade. Agriculture in turn is far more closely

Agricultural
development
and possi-
bilities of the
Mississippi
basin.

dependent on nature than is any other occupation. Good soil is the first essential, but good soil is of little value without the proper amount of heat and moisture. In no other spot on the globe is there so much rich arable land as we have in the Mississippi Valley. Almost every variety of grain can be grown there, except on the dry plains close to the slope of the Rocky Mountains. In spite of the improvements wrought by the beginnings of scientific agriculture, we have not yet begun to realize the magnificent possibilities of this great



region. Think of the population which these central states alone will support when better conservation of water, greater knowledge of soils, more careful selection of seeds, and more intensive cultivation of crops become the rule, not the exception !

Extent of our
agricultural
resources.

Other arable land in this country is not to be despised. From the orchards of the stony New England hillsides to the burning sands of Imperial Valley cotton fields we are using not only the bounties which nature has given us, but we are learning her secrets. If we stop destroying our magnificent forests, we shall not lack agricultural wealth of all kinds,

except those which are distinctively tropical, and our soil will continue to furnish us wealth, prosperity, and opportunities for great progress.

37. Minerals and Water Power. — No other country in the world, unless it be China, is so fortunate in the possession of valuable minerals. Only by the grossest neglect or misuse of our mineral deposits shall we fail to be the richest nation on the globe. In every section and in almost every state there are fields of *coal*. *Iron ore* is abundant, although less widely

Our extensive mineral resources.



A LARGE WATER POWER PLANT.

distributed. Every year the earth gives up large quantities of silver and gold, copper and lead, petroleum and natural gas. Of most of these the supply seems almost inexhaustible.

One other resource, "white coal," that is, our *water power*, is of constantly recurring value. If we can harness our floods and make much more uniform the flow of waters in our rivers, we shall gain an invaluable supply of power for the future.

Value of our water powers.

38. Geography and the Future of the American People. — As the American nation develops from an agricultural people to an industrial society, as we substitute for the simple life of our forefathers the complex existence of to-day, the

The problem.

question arises, how will the effect of geography be different to-morrow from what it was yesterday or what it is to-day? Because we seem less dependent on the land, shall we make less important use of the soil, the rivers, and the harbors; shall we find less valuable the location of our country?

Need of better use of resources in the future.

Certainly food supplies will not be obtained so easily as in the past, for the amount of arable land is limited, and the time will surely come when not one hundred millions but many times that number will inhabit this country. That would increase our dependence on the soil rather than lessen it. With increasing density of population more careful use must be made of natural resources or opportunities. Fields that once were despised must be brought under cultivation, rivers that are navigable but a few weeks in a year must transport commodities from producer to consumer, and harbor fronts that have been lined with poor docks must be replanned to accommodate the growing commerce.

International opportunities which come from our geographical location.

In relation to the outside world, the destiny of America is largely predetermined by the possession of the fine Mississippi basin and the location of the country in the north temperate zone between the Atlantic and the Pacific oceans. No other country possesses or can possess equal advantages or opportunities. Whether we shall ever enjoy fully the eminence to which we seem destined by nature depends very much upon our ability to work out the larger problems of social citizenship; not those of the individual citizen, but those of the American people as a society. Our failure as a *nation* to gain and to make use of the three fundamentals of true success — character, knowledge, efficiency — alone should prevent us from taking our rightful place in the world of the future.

THE PEOPLE OF THE UNITED STATES

39. Population, Past and Present. — In the history of nations there is no instance of a growth of population as rapid as that which has occurred in the United States. In all

history there is no instance of such wholesale migration as has taken place from Europe to America in the last three quarters of a century. History cannot point out a single example of one people assimilating so rapidly and completely a mass of immigrants only slightly less numerous than its own population.

Three great achievements of growth, migration, and assimilation.

When the American people in 1776 declared their independence of Great Britain, they numbered but two and a half millions, one of the least populous of nations. To-day more than one hundred million people live in the continental United States, besides ten millions more in outlying possessions. From 1700 to 1825, the population doubled every quarter of a century, with comparatively little immigration. Since the Civil War, even with an average immigration of four hundred thousand a year, the increase has been much less rapid.

Rapid growth of American population.

40. Distribution of Population Geographically. — The very uneven distribution of population in the United States is due to *natural causes and to industrial opportunities*, which in turn are dependent largely on natural conditions. People avoid those areas which are unhealthy or subject to extremes. If the temperature of a section is too hot or too cold, if the rainfall is excessive or very limited, if the country is swampy or mountainous, the population of that area is relatively small. *People seek normal climatic conditions.*¹

Effect of climatic conditions.

It would seem as though rainfall did not have a very important effect on the distribution of population, except upon those engaged in agriculture, but this is apparently a mistake. More than three fourths of all Americans live in regions of normal rainfall, from 30 to 50 inches annually. Urban as well as rural populations find the most healthful climate where there is a normal rainfall, just as farmers prefer it because it gives better crops.

Effect of rainfall on distribution.

A comparison of the lines of temperature in Europe and in America discloses the fact that, although Europe is farther

Effect of temperature.

¹ Although we find varying altitudes in the United States, from a point somewhat below the level of the sea to 5000 feet above that level, nearly three fourths of the people live on land that is from 100 feet to 1000 feet above sea level; another one sixth reside in coast cities which are less than 100 feet above the sea.

north, the temperatures are much the same. Since we have a more distinctively continental area, we have a more marked continental climate with hotter summers and colder winters than prevail in western or central Europe.¹

Urban population.

41. Distribution of Population Industrially. — So rapidly have American cities grown, especially during the last half century, that, although in 1885 but one third of our people lived in cities, to-day *more than one half of our population is urban*. In New England only one person in six lives in the country; in the middle Atlantic states three out of every four are in cities, while in the north central states east of the Mississippi River and on the Pacific coast considerably more than half make some city their home. A comparison of these data with the commercial and industrial areas given above (§§ 34-35) shows that business is the chief cause of the growth of cities.

Distribution of population by occupation.

In spite of the growth of cities more people are engaged in the fundamental business of *agriculture* than in any other profitable or lucrative pursuit. The number equals more than one eighth of our total population and nearly one third of all workers. Second comes the number employed in *manufacturing*, transforming into finished products the raw materials from farm or mine. The percentage of those engaged in manufacturing is increasing constantly. *Transportation* and *trade* need the services of more than six million persons, nearly one sixth of the total. Almost as many are employed in clerical, domestic, or personal service. In the *professions* there are nearly two million persons, more than one third of them school teachers.

Problems growing out of foreign race clusters.

42. Distribution of Population by Races. — It is probably unnecessary to know whether the parents and grandparents of any citizen were Americans or immigrants; it is enough

¹ An interesting study has been made by a professor in Yale University who seeks to show the relation existing between climate and civilization. His researches lead him to the conclusion that the best physical work is done at a temperature of from 55° to 65° and the best mental work when the outside temperature is about 45°. (Huntington on civilization and climate, *Harper's Magazine*, 130 (1915), 946.)

that the citizen is an American. It is quite essential, on the other hand, that we know to what extent the population of any state or city is foreign rather than American. This knowledge is demanded for the solution of the problems of unifying the nation and of avoiding difficulties which grow out of radically different race ideals, standards, and methods.

During the late nineteenth century most of the immigrants settled on farms in the Middle West or Northwest, but since 1890 comparatively few have found work outside of the cities of *the northeastern and north central states*.¹ As a consequence, in 1910, nearly 85 per cent of the people of foreign birth in the United States were in one of those two groups of states.² We find further that three states, New York, New Jersey, and Pennsylvania, have absorbed more than half of the total number of immigrants who have come to the United States since the beginning of the present century.³

Location of
immigrants.

43. Original Racial Elements. — Let us examine some of the older and newer racial elements which make up the American nation, after we have noted the meaning of the term "nation." A *nation* is a great group of people, living under a

Definition of
term nation.

¹ One is impressed at once by the connection that must exist between the new American and the cities. It cannot be an accident that the commercial and industrial centers have attracted foreigners and that many distinctively rural states have a very large native population. From that point of view our large cities are the least "American" of our communities. For example, in Manhattan borough, New York City, less than fifteen per cent of the people are native whites both of whose parents were born in America. In Greater New York and Chicago the percentage of these older Americans is only twenty. That is, only one person in five in each of our two largest cities is descended from people who lived in America at the close of the Civil War.

² The only states that have fewer than ten per cent of their population of foreign birth or foreign parentage are south of the Potomac and Ohio rivers and east of the Mississippi, with the exception of Arkansas. On the contrary, these states and two or three others have a negro population of from thirty-five to fifty-five per cent.

³ In five of the original thirteen states more than sixty per cent of the people are foreign born or of foreign parentage. These states, in which the Puritans and other early settlers have been outnumbered, extend from Massachusetts to New Jersey. In one of them, Rhode Island, the people of native parentage are exceeded in numbers not only by those native-born Americans of foreign parentage but by foreigners as well. Another area in which the inhabitants of native parentage form less than forty per cent of the population extends from Cleveland, Ohio, to the eastern borders of Montana.

single government and independent of all other peoples, who have the same ideas regarding all fundamental questions. It is usually made up of peoples of different races and origins, and they form a nation only when they are merged into a united society.

People of
English race
in early
America.

We sometimes hear the American people called an Anglo-Saxon race. The reason, of course, is that English ideas and people of English blood predominated during colonial times and the early national period. Even assuming that the English people are "Anglo-Saxon," a proposition denied by many authorities, should the name be applied to Americans? A slight examination of the racial elements that have made up our population in our early history and in recent years gives us a very decisive answer. The American nation is not Anglo-Saxon in any real sense.

Non-Eng-
lish elements
in early
America.

Our ancestors who fought the Revolutionary War were chiefly descendants of *Englishmen* that had emigrated to the American colonies during the seventeenth century. But in 1776 about one quarter of the total white population of the United States was not English at all. The *Scotch Irish* Americans of that period outnumbered all other European whites, their ancestors having come from the British Isles after 1700. There were a number of French Huguenots, descendants of early Dutch and Swedish settlers, and many Germans. Nearly one quarter of the people were negro slaves.

Formation
of the Ameri-
can race in
the West.

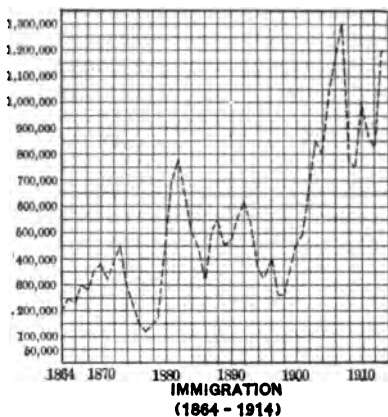
During the first half of the nineteenth century, when people from the Atlantic slope poured into the Mississippi Valley and each western state united people from several eastern states, there was formed the *first really American race*. These people were not colonials, nor were they provincial in their ideas; they were Americans. Lowell well calls Lincoln the greatest of this type:

The kindly-earnest, brave, foreseeing man,
Sagacious, patient, dreading praise, not blame,
New birth of our new soil, the first American.

44. Early Nineteenth Century Immigration. — Cheap land, manhood suffrage, and comparative social equality in the

United States proved great attractions to Europeans during the nineteenth century.¹ The first great migration did not begin, however, until conditions in Europe made emigration desirable. In other words, the expelling forces of Europe were a more important cause of migration than were the impelling forces of America. In 1845 and for several years subsequent the potato crop failed in Ireland. As this had been the chief food of the people, large numbers were forced to leave the island. Naturally they came to America. There were only a quarter of a million *Irish immigrants* from 1820 to 1840, but the total number rose to more than three millions in the next half century.

Immigration from Ireland after the potato famines of 1845-1848



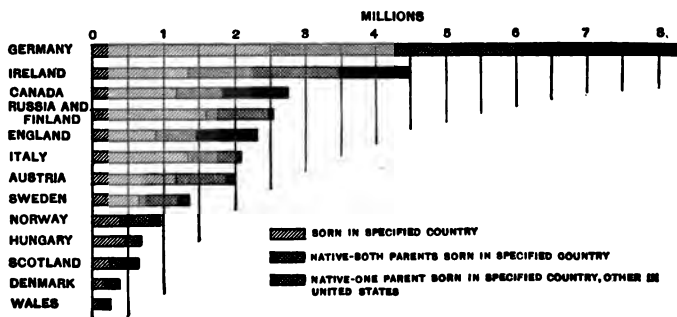
In 1848 the revolutions in central Europe failed. Thereafter multitudes of young German liberals, subject to arrest at home or hopeless of democracy in their own country, flocked to America. In the five decades from 1848 to 1898 more than four and a half million *Germans* found their way to America. In the last half of the nineteenth century more than three million and a half *Englishmen and Canadians* migrated to the United States. Since 1865, nearly as many *Scandinavians* have come to our shores. Thus in a little more than fifty years four nations sent us more white people than we had in the whole United States in 1840.

Immigration from Germany and Scandinavia.

¹ In few localities excepting the mountain districts of the South do the descendants of the earliest settlers constitute the whole population. In the Southern states far more than in any other section the people of to-day are predominantly of colonial descent, for immigration has not greatly affected the South.

Extensive immigration from southern and eastern Europe.

45. Recent Immigration. — By 1890, the old immigration from western, central, and northern Europe had declined greatly, but from southern and eastern Europe came still larger numbers, especially *Italians*, *Austrians*, and *Russians*. In 1907, the total reached 1,285,349. That is, at the close of that year, about one person in eighty within the United States was a newly arrived immigrant. By 1916, the number of Austro-Hungarian immigrants exceeded the total immigration from Ireland, that of Italy was little less than the number



FOREIGN WHITE STOCK BY PRINCIPAL COUNTRIES OF ORIGIN, 1910.

from Germany, and that from Russia almost equaled the nineteenth century exodus of Englishmen and Canadians to the United States.

Results of recent immigration.

Into the causes of recent immigration we will not have time to inquire. We must, however, notice the fact that illiteracy has been much more common among these recent immigrants than it was among their nineteenth century predecessors from central and northern Europe. Recent arrivals have been neither Celtic nor Teutonic, as were the early settlers in this country and the immigrants until about a quarter century ago. They have lower standards of living, practically no experience in self-government, and probably less capacity for self-government than the earlier immigrants. Where they are birds of passage, coming for a season to return with their savings, they add little and subtract much from American

welfare. If they remain, they usually prove desirable citizens, if they become citizens, which many of them do not.

RACIAL PROBLEMS

46. Economic Effects of Immigration. — Nearly twenty-two million immigrants came to America from 1848 to 1919. As the proportion of men is larger among immigrants than in any ordinary population, *immigration has added greatly to the supply of labor*, especially of unskilled labor, in the United States. Having settled in comparatively few localities, the immigrants have caused an oversupply of labor in the northeastern states. Undoubtedly *they have displaced a large amount of American labor*: Some of the displaced workers have been forced upward into occupations requiring more skill and intelligence, some have been forced to toil in competition with newly arrived immigrants at a lower wage than formerly, and some have been forced out altogether into the ranks of the unemployed.

Displacement of labor by immigrants.

Undoubtedly *we have needed a large part of this supply of labor*. Crude construction work would have been completed more slowly but for cheap foreign labor. It has been estimated that every able-bodied foreign workman who has come into the United States has been worth at least one thousand dollars to us, but immigration has increased unemployment, and it has lowered both wages and standards of living.

Need of crude labor in the United States.

Problems have recently arisen because most of the immigrants have had no experience in self-government and belong to different racial stocks from the Americans who founded our republic. Unscrupulous politicians have gained control over large groups of ignorant, easily led foreigners. Such abuses are now prevented by better immigration laws, and by stricter administration of the process of naturalization. If a foreigner wishes to become an American citizen, he must first declare his intention of doing so before a federal or state court which keeps records. If he has resided in the United States a period of five years, and is at least eighteen years of age, he may then go to a similar court of record and

Political results and process of naturalization.

get his papers, as already explained (page 4, n. 1). He must make his application at least ninety days before his papers are granted him, but cannot receive them within thirty days before an election. Great care is exercised to see that he will be a desirable citizen.

Immigration
and crime.

47. Some Social Effects of Immigration. — In spite of laws which have sought to limit the immigration of those who might become public charges, we find that *immigration has added to the amount of crime, poverty, insanity, and illiteracy in the United States.* We learn, for example, that although persons of foreign birth or foreign parentage number only one third of the total population, less than one half of the crimes traceable to white persons are committed by native-born Americans.

Pauperism
among im-
migrants.

The figures for poverty are more startling. In 1890, for example, although only fifteen per cent of the American people were foreign born, immigrants formed forty per cent of the paupers receiving public aid. When we consider that many of these paupers are also insane and that the cost of caring for the foreign insane and paupers in the single state of New York amounts to more than \$20,000,000 a year, we can see how great a burden has been placed upon the American people by the migration of these misfit or unfit members of society.

Illiteracy
among im-
migrants.

Among native white people of the United States there is much less illiteracy to-day than there was a quarter of a century ago. It is interesting to note that illiteracy is lowest among the native white people of foreign parentage. Only about one per cent of the children of immigrants over ten years of age are unable to read or write. On the contrary, so many illiterate immigrants have come to America during the last twenty-five years that nearly thirteen per cent of the foreign born white people are unable to read.

History and
present laws.

48. Restriction of Immigration. — In 1864, Congress created the office of immigration commissioner, for the purpose of looking after immigrants. It was not until 1882, however, that any law was made for the exclusion of foreigners. Since

that year convicts, idiots, and persons likely to become public charges have been excluded. In 1884, Congress forbade the admission of aliens who had contracted to work in competition with American labor. In the list of undesirables Congress more recently included anarchists, convicts, and those with contagious diseases, including tuberculosis.¹



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EXAMINING THE EYES OF IMMIGRANTS.

It has been suggested that we should exclude large classes of those who are ignorant, unskilled, or undesirable, because they maintain a low, un-American standard of living. An Immigration Commission published four large volumes of evidence which it gathered on this subject. Based to some extent on its recommendations, efforts have been made to limit immigration, chiefly through the use of a literacy test.

Proposed
further re-
striction.

¹ If a steamship line brings one of these forbidden aliens to our shores, it is required to give that person return passage. This law helps to account for the fact that the number of excluded aliens has never risen above one per cent of those seeking admission to the country.

Need of
homogeneity
and national
ideals and
ideas.

Ways in
which racial
homogeneity
may be ob-
tained.

Illiterates above the age of sixteen, except wives or dependent parents of immigrants, are excluded by the law of 1917.¹

49. Immigration and Homogeneity. — The racial diversity of the American people is not an undesirable characteristic. If we study history, including that of our own country, we find that *mixed races are usually the best if the races that have intermarried were much alike.*² While we do not want and cannot afford to have race clusters in our midst, we do not want uniformity so much as we need homogeneity. We do not want all people to be alike or to think alike, but *we must not have radically different ideas and standards*, if those standards or ideals affect civic development.

Aside from the negro problem, race problems may be avoided or solved in one of two ways. (1) We may avoid them by prohibiting or limiting the immigration of persons of any race who do not care to become Americans or who cannot adopt American ways, accept American standards of living, and become Americans. (2) We may solve them by extending to foreigners, soon after their arrival in America, American rights and privileges which they will desire and prize. In this way we may avoid the formation of true race clusters. Yet we must see that the rights and privileges are earned and appreciated in order that American citizenship

¹ The subject of oriental immigration is important on the Pacific coast, not because of the numbers of Chinese or Japanese, but because of their low standard of living, their extraordinary industry, and the difference between the oriental mind and temperament and that of the average American. The competition of Chinese on the Pacific coast during the '70's was such that riots occurred in Los Angeles and the Sandlot riots took place in San Francisco. Between 1882 and 1894, Congress passed a series of laws excluding Chinese coolies, and providing for drastic means of enforcing these regulations. Since the opening of the twentieth century, the competition of Japanese laborers in California has produced agitation against the ownership of land by Japanese. A "gentlemen's agreement," arranged by Secretary Root and the Japanese government, has stopped the immigration of Japanese coolies to the United States. The problem is a racial issue quite as much as an economic problem.

² We find also that the civilization of the mixed races and of the peoples who lived on the highways between well-developed civilizations which were more or less alike were often better than more isolated civilizations. With all its faults humanity is looking for new and better ways of living and thinking. The coming together of two civilizations not too dissimilar has given opportunity to take at least some of the best in each.

shall not be cheapened, in order that the real Americanization of the immigrant shall not be delayed.

Real assimilation must be social. So long as we had abundant farm land, it was easy to make the immigrant identify himself with the land of his adoption. That is no longer possible in the same way. *We must depend on education*, especially on free public schools which make no distinction of persons; *on business*, which makes the immigrant a useful, necessary worker and consumer in the community; *and on social intercourse.* The immigrant may not understand us very well and may learn our language imperfectly, but he should be compelled to use it rather than his native tongue. Certainly it is our fault as well as his if his children are foreigners rather than Americans. We need not fear for the racial future of our country so long as the child of European parents loves the flag, longs to become a voter, and boasts of the fact that he is an American. Such a course of action is good for him; it is not less good for us.

In these days of unrest we need a great deal of Americanization. The problem is especially complex with the adult immigrants; but it is exceedingly difficult also with their children, and with the second generation. It is a problem, however, not chiefly for immigrants but for all; for none of us know too well the meaning and the importance of *American ideals*, past and present. We must find those forms of civic organization which permit the greatest initiative and personal independence. We must work out practical schemes of coöperation, self-control, and self-direction. The best of America must be studied and developed and kept, in order that America's future may be safe.

Old methods of assimilation through cheap land must be replaced by education and by business and social intercourse.

Problems of Americanization

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Questions

1. Name the three most important geographical divisions in the United States, giving distinguishing characteristics of each. Under what conditions of altitude, rainfall, and temperature do most of the American people live?

2. Why are part of the North Atlantic coast and a strip across the Great Lake basin our most important commercial areas? Why are they also very important industrial areas? (On the last question consider facilities for transportation, surplus capital, surplus supply of labor, etc.)

3. Draw a map showing the different important agricultural areas. Locate on the same map deposits of the four most important minerals.

4. Show how geography (natural resources) affects our wealth and prosperity. Show how geography (location) affects our future position among nations.

5. Copy in your notebook the diagram given on page 48. If less than half of our present population is English, does that make it impossible to have a successful representative Republic? What percentage of our white population came from other countries than Great Britain and Ireland, Germany, and Scandinavia?

6. Should immigration be restricted much more radically than at present? If so, by what means and to what extent? What are the most important objections to immigration; economic objections, social evils, political dangers?

7. Investigate the racial composition of your state and of your city. How rapidly has the population grown and how much has it changed in the last 20 years? in the last 50 years? (Consider races and percentage of city population. Use *Statistical Abstract*, *Abstract of Census*, or *World Almanac*.)

8. Was it easier to perform all one's civic duties a century ago than it is to-day? Why is it worth more to do so to-day? What difference does it make in our scheme of government and society that most men have become employees and renters, instead of being independent workers and owners?

9. Is economic equality necessarily a characteristic of the best and highest form of business organization? How may the disappearance of economic equality affect political equality and the rule of the whole people? If democracy cannot solve those problems which less popular governments in other nations are solving, must we modify our form of government? If a method used by a popular government, after a fair and a long trial, proves a failure, should it not be abandoned for a better method, even though the latter is less democratic?

CHAPTER IV

CIVIC ORGANIZATION

SOCIAL ORGANIZATION

The first
need of
organization.

50. Rudimentary and Complex Organizations. — As we noticed in the first chapter, organization grows out of needs. If needs are few and simple, organization is correspondingly simple. If the group is large, and if its needs are exceedingly numerous and varied, its organization should be correspondingly complex. Otherwise the first object of organization, that is, *adaptation of structure to function*, is not met.

Integration
and differ-
entiation.

In the physical world and in the social world we find small, undeveloped organisms¹ and organizations. In primitive times the patriarch made such rules as were necessary, enforced them, and acted as judge; this is a rudimentary form, all the work being done by a government without organization. In higher forms of life and in better governments we find that new needs develop new organs: in an animal, the eye to see, the hand to grasp, and the heart to pump blood; for each government, a law-making body, a group of executive officials, and a set of judges. This process of developing or setting aside one organ for its work is called *differentiation*.² It is the first step in the development of an organism or organization.

For the organism or organization, it is of little value to have many organs unless they work together for the good of

¹ The unicellular animal such as the amoeba uses part of its jellylike flesh to eat its food by surrounding it, and it moves by extending part of its protoplasm in the direction in which it wishes to go.

² *Integration* must really precede and accompany differentiation. See Giddings, *The Elements of Sociology*, pp. 336-337.

the whole organism. Too much differentiation may prevent the development of the organism rather than help it. For an organism to have fifty arms would not increase its usefulness; it would be kept from using its strength in the development of other necessary organs. Moreover, the arms would be in one another's way. Along with differentiation, then, must go *coördination*, since the different organs must work together in harmony for the good of the organism or organization which they serve. Perfection of organization is not to be measured by great size, for a small organization which will do the work of a large one is correspondingly better organized; it has more *efficiency*. In short, a good organization will be well differentiated, the structure will be perfectly adapted to function, and the parts will work together in perfect coördination so that the organization is efficient.

Importance of coördination, coöperation, and efficiency.

51. Social Development through Individual and Collective Development. — The development of a special organization may be measured again by the degree of its control over its environment. The history of civilization is the story of mankind's conquest of nature and of itself.¹ From a condition of barbarism, in which hunger and passions led to foraging expeditions, constant warfare, and murder, man has advanced until he has brought many animals and natural forces under his control. Through laws, customs, and government he has made it possible for immense numbers of people to live together without cutting one another's throats at the first pretext.

Mankind's conquest of itself and of nature.

In so far as we have developed our intellects and have aroused our moral natures, in other words, have gained control over ourselves, we are developing individually. To the extent to which we have made the winds, the soil, the mineral rocks, steam, and electricity our servants, we have, personally and collectively, become civilized and freer from our environment. That we have become more dependent on

Ways in which civilized man has developed.

¹ Modern warfare is an instance of a survival of barbarism in a civilized society.

others shows simply that we are but differentiated parts of a highly organized society.

Giddings's
definition of
social or-
ganization.

52. The Character of Social Organization. — "Many of the activities in which individuals combine their efforts are continued or repeated until they become habitual; and the coöperating individuals in these cases sustain relatively permanent relations to one another. *Habitual relations* of the members of a society to one another, and *persistent forms of coöperative activity, collectively*, are called the Social Organization."¹ As used in this statement social organization includes political and economic organization as well as those permanent relations and activities which we may term distinctively social.

Need of
unity, "like-
minded-
ness," and
solidarity in
any true so-
cial organ-
ization.

It is evident from Professor Giddings's statement that social organization in any real sense can exist only in a well-developed society. A group of persons who have come together for a temporary object is never really organized. The members of the group must have "grown together" by association for many generations. They must have believed in much the same ideas, must have practiced the same ways of doing things, must have fought common enemies for a common end, must have developed a really united group with which each member was closely identified. This "like-mindedness"² leads not only to the organization of the large group, possibly a nation, but to the organization of smaller groups which make up the nation, e.g. states and communities, agricultural or industrial groups, families and religious bodies. When a group really develops like-mindedness, it possesses a *solidarity* which makes it a unit. It may then be said that it is really organized.

Economic,
political, and
social groups.

53. Forms of Association. — By forms of association we mean those group organizations formed to carry on some special work. When we attempt to classify all of these groups, we find the task one of great difficulty and the

¹ Giddings, *Descriptive and Historical Sociology*, p. 439.

² "The essential basis of social organization in every stage of its history is like-mindedness, and all social organization is an expression of some mode of like-mindedness in the population." — Giddings, *ibid.*, p. 430.

results very unsatisfactory. For our purpose we shall divide the groups, as we have already done more than once, into three kinds: (1) the *economic*, which sustain society and make intercommunication possible, (2) the *political*, which protect society, regulate its legal affairs, and consciously promote its general interests, and (3) the distinctively *social*, which form the basis of society and look after interests which deal neither with bread and butter nor with government. Some idea of the relationships which we have with groups of which we are members or with those of which we are not was given in section 5.

54. Customs. — Public organizations are made up of people who have permanent relations with one another or who work together over a long period of time. Naturally these people develop ways of thinking alike and similar methods of working out common problems. In other words, they have developed customs, a *custom* being a form of organization or method of procedure developed by a society in its past and continuing in its later history.

The nature
of customs.

Customs are the silent forces, often unconscious, which make it possible for the people of any community, state, or nation to live together in harmony and work for a common end.¹ Among barbarous people there are few laws but many customs which protect and guide the society. Even to-day we do many things alike, not because we are forced by law to do so, but for the reason that we are accustomed to such methods. History proves that popular government is possible only among those people who have had long preparation for self-rule in addition to real capacity for it. In fact, *civilization* is far more a matter of custom than of law.

Importance
of customs in
all societies,
barbarous or
civilized.

55. Institutions. — Institutions are organizations or sets of activities approved by the people of their group as an excellent means of carrying on some social or public work for an object desired by the group. Only the organizations

¹ Customs furnish not only the life blood of our organizations, but, if studied, improved, developed, and standardized, they are more than customs; they may become institutions.

How institutions are changed and improved by intelligent collective action.

or activities of large and permanent groups are usually dignified with the name institutions. They usually grow out of the experience of many people, that is, through custom. But since any society, as well as the individuals of which it is composed, is intelligent, *the group strives constantly to improve its institutions*. Through laws and public opinion, by inventions or suggestions of some leader which have been accepted by the society, it changes its institutions so that they are in the form most desired by the society, in the form in which they do more perfectly the work for which they are designed.

Social, economic, and political institutions.

Our institutions, then, are those social organizations or activities by which we carry on our work. They may be distinctively *social*, as a family or a public school system or a widespread religious belief in the institution of monogamous marriage. They may be primarily *economic*, as the institution of private property, or the factory system, or the railway. They are primarily *political* if they deal chiefly with law or government, as, for example, certain bodies of legal rights or written constitutions or governments of three departments. They form the real framework, the skeleton, of society to-day. We may change them, if they fail to do our work properly; but they will injure us if we change them unwisely or too abruptly, and destroy us if we attempt to destroy any that are essential to our welfare.

How experience and individual character limit social development.

56. Limitations in the Development of Institutions. — Only those institutions can be developed or used by any people for which the people have been prepared by their *experience* or by the *character* of their members. The Latin-American republics followed the example of the United States in establishing their independence, but they have failed to make a great success of independence, as we have, first, because their people have not developed individually as much as the average American, and secondly, because they have had only one century's experience in self-government.

As Ellwood aptly expresses it, "The higher types of social coördination require a corresponding development in the

intelligence and *self-control* of the *individuals* concerned. . . . If the social organization of any people, accordingly, becomes so complex that the character and intelligence of its constituent individuals are unable to meet its requirements, then such social organization must disappear and there is a chance that in the process of social dissolution the people or nation itself may likewise disappear."¹

Ellwood's statement on limitations.

57. Limitations to the Development of High School Institutions. — It should be the aim of any society, however, to improve its institutions as much as the individual character of its members will permit. This is as true for schools as it is for nations. Some schools have proved that if *students are allowed to control many school affairs*, such as the supervision of corridors, playgrounds, and study halls, they will succeed (1) if they are capable of self-government and (2) if they are allowed to introduce gradually more and more complicated forms of self-direction, as they "make good" in each form that they try. Sometimes they do well at first, but later, unfortunately, self-government proves less successful. In school and in civic life elsewhere eternal effort is the price of success.

Conditions under which student government and student self-control may be successful.

Another series of practical problems is encountered in certain work of most or all classes. The school has certain "institutions" such as classes, notebooks, and examinations. In every school these questions should be asked: Are our school institutions the best that our experience and character permit? Shall we have the institution of really unsupervised tests? Shall we have notebook work, collateral reading, and reports which not only appear good but *are* just as good as they appear, because they represent honest, careful, individual work? These classroom "institutions" are the most valuable educational organizations or activities that we can have in advanced civics and some other subjects, because the students will get more education, individually and collectively, from their use than from any substitutes.

Some educational institutions which we should use in our classes.

¹ Ellwood, *Sociology in Its Psychological Aspects*, pp. 196-197.

Collective
political
control.

58. Social Control. — No society, that is, no large unified permanent group of people, can continue to exist unless it controls itself and the activities which are performed by its various organizations or institutions. In order to care for its *collective public interests* any large independent society or nation organizes itself into a *state* (§ 60). The state or independent political society regulates its general affairs through the adoption of *laws* which embody the wishes of the society. It has not only a national government, but other *governments which are the agents of the state* in making and enforcing its laws and in carrying on the public work of the state. The state is, therefore, the great public organization through which social control is exercised.

Control
through
customs and
institutions.

Control is exercised in an infinite number of ways in addition to the work performed by government. Every *custom* which society has adopted, every *institution* which it has organized, is really a means by which society directs or controls some activity in which it is interested. Two of the most important means of what we may call informal social control are *religion* and *morality*, which seek to maintain high standards of thought and conduct among the members of society. *Free public education* is to-day one of the means of social control upon which we place greatest dependence, for an educated nation will not only control itself best but will do the most for itself and its members.¹

Group unity
which de-
serves to be
called na-
tionality.

59. Nationality and Democracy. — Organizations, public and private, and institutions are not ends in themselves; they are simply means by which a permanent group carries on some work for which it believes the institution is par-

¹ Two *diverse methods of social control* may be contrasted briefly. These are *prohibition* and *development*. In the early development of the race, as in that of the individual, the word "don't" was needed constantly. Prohibition or the use of the taboo helped the race, as it helps the child, to avoid dangers, to learn self-control, and to protect itself as it developed. As the race and child have grown, prohibition should have played a constantly smaller part. Otherwise the child and the race tend to retain many characteristics of infancy. The problem for a nation then is not necessarily to see how few prohibitions it may use, for that may prevent it from protecting itself and its members, but to see how much it can *outgrow the need of prohibition as a means of social control*.

ticularly well fitted. The group has no personality; it is not an organism as the individual human being is an organism, yet it acts as a unit if it is well developed. On this account we may say that a well-developed social group has a "*social mind*." If in addition this large social group has group ideas of right and wrong, we may say also that it has a "*social conscience*." Because large groups have "social minds" and "social consciences," that is, because they possess "like-mindedness," similar ideas, and ideals, it is possible to have nations, since *nationality* consists in this unity which we have just described.

It is not solely through forms of association or through customs and institutions that society carries on its work. Its work is done by the "social mind" or "social conscience" acting through the "*social will*"; for, if society has a mind, why not a will also? One of the ways in which the "social will" expresses itself most easily and commonly is through *public opinion*. In modern America we have *democracy* because the people not only have been able to express their opinions but also have been allowed to carry out their plans and wishes. Without a comparatively free expression of public opinion and popular will, democracy would be nothing but a form. After all, self-government is not the real goal of social existence; it is simply a means to an end. Good government which brings with it liberty, justice, and social betterment must be the chief object of democracy as well as of other forms of government.

Advantages and limitations of democracy to a nation.

POLITICAL ORGANIZATION

60. The State. — As already indicated, the political organization of any *nation* for the purpose of caring for its collective public interests is a state. Briefly defined, *a state is an independent political society*, such as Great Britain or France. The name applies to any body of people occupying a fairly definite territory with an organized government who are in no essential respect subject to any out-

Definition of the term "state" and distinction from the term "nation."

side power. As used in this general sense a state should not be confused with the commonwealths of our Union which we call states, because these are not *independent*. It should be distinguished also from the *nation*, which is a similar group of people who have practically the same ideas and interests and therefore belong to the same race. The STATE is the *political organization*; the NATION the *united people*. The supreme power used by the state to carry out its wishes or demands is called *sovereignty* (§ 63).

The work of
a state.

The *work of the state* through its government¹ is *protective* in that it protects the nation from outside dangers, and guards the nation also from perils within by protecting the just rights of individual members and of smaller groups within the society. The work of the state is *regulative*, since it decides what relations individuals shall have to other individuals, as parent to child, or as employer to employee; what shall be the relations of an individual to any group, as voter to political party or taxpayer to a city; or what should be the relations between groups, as the relations of labor and capital. A state's work is *directive* when it undertakes consciously to promote the interest of the whole nation, or of any group, or of any member. Protective tariffs, public libraries, and agricultural experiment stations are examples of tasks undertaken for the welfare of certain groups.

Government,
liberty, and
law.

61. The Proper Scope of Governmental Duties. — It must be borne in mind that government is no more the state than the heart and lungs of an animal are the animal. The government is the chief set of organs of the state, the agent which carries out its will. The organization of the state itself and of the government must necessarily depend, however, upon the experience of the people and the conditions which exist within the country.² We sometimes get the impression that law and liberty, or government and liberty, are

¹ For classes of governmental powers, see Appendix C, I.

² Compare with institutions in general above (§§ 55-56).

contradictory terms. If this were so, the more law or the more government we have, the less liberty there must be; but, as we noticed in the first chapter, law and government are among the chief means by which we protect liberty. Therefore, if the laws are good and the governments are properly organized, they protect the liberty of the people rather than interfere with popular rights.

Nevertheless it is important for the people of each community and nation to decide carefully what the limits of governmental activity shall be. In colonial times, when villages were few and small, when there was no manufacturing and little commerce, when a simple farm life was the rule, very little governmental supervision was necessary. Large cities, great trusts, railways of continental magnitude, and entirely different standards of living have changed all this. At present our governments must control and regulate many more actions of the citizens than formerly, in order not only to promote their welfare, but to give them protection. For example, no one doubts the right of the government to pass and enforce all proper measures for the health of the community. This may lead in crowded cities to regulations that are very obnoxious to individual householders. Dealers may be obliged to submit to inspection and confiscation of goods which might injure members of the community, and factories are continually under supervision to see that the health of the operative is in no wise endangered. Too little regulation is, like too much, a mark of poor government. We must see that there is just enough, and that it is never applied arbitrarily.

Limits of
government
activities.

62. The Need of National, State, and Local Government.

— No one government can do all the things needed by the people. Some work, such as the making of treaties with other nations, must be intrusted to a single government for the whole United States. All other foreign relations, all matters such as money standards, a postal system, and the admission of new states, must likewise be cared for by a single *national government*. This central government also looks

Three sets of
governments
necessary.

after all interstate¹ affairs, since no state can care for important interstate interests. *State governments* are necessary to make laws on all subjects that ought not to vary greatly from county to county, and yet need not be the same throughout the United States. Other duties, such as the making of roads and the care of schools, can be properly performed only by governments of small districts, such as towns, cities, or counties. We have, therefore, a third kind of government, *local governments*, to look after purely local affairs.

The constitutions embody the wishes of the people.

63. Our National and State Constitutions. — All the governments in the United States are *popular governments* — that is, the people, acting through the qualified voters or legal representatives, decide what the form of each government shall be, what powers it shall possess, and in what way the government and its powers shall be changed at any time. In order, however, that the form and the powers of the governments shall remain the same until the people wish them to be changed, the people of the nation have adopted the very important document called the Constitution of the United States, and the people of each state have adopted a similar constitution for their state. By these *written constitutions* the people have created such governments as they think are best fitted to care for the public interests of the states and the nation. It will readily be seen that no democratic nation can maintain a permanent political organization without some such rigid set of fundamental laws as the written constitution furnishes. A written constitution, therefore, defines the organization, that is, the form and powers of the central government, and the relation of the nation to its subdivisions (the states or commonwealths), and the relations of the nation to its citizens.²

The constitutions may be amended to meet new needs of

¹ The term "interstate" refers to any interest or action *between* states: intra-state to those *within* a single state.

² We have also an unwritten constitution which includes all important customs, statutes, and judicial decisions which increase the powers of the central government as defined in the written constitution or change in any essential respect the methods proposed in a written constitution (see §§ 214-217).

the people, but by their rigidity they prevent hasty changes. They cannot be altered by the governments, neither can the governments make any change in their own powers. *All changes in an old constitution must be made by the people, who made that constitution; they only may abolish the old constitution and have a new one in its place.*¹ Since, therefore, the people make all constitutional changes, we say *the people are sovereign*; that is, the people have the supreme power which governments and individual citizens are obliged to obey. As it is not desirable that all citizens (§ 1) should be allowed an *active* share in the selection of officials and in the making and changing of constitutions, the people through these constitutions prescribe those who may be allowed such a share in the government, that is, those who may vote. In all parts of the United States we have manhood suffrage; in the West we have woman suffrage in addition.

Written
consti-
tutions

64. Representative Government through Political Parties.

— The national Constitution not only provides directly for the national government, but provides indirectly for the government of the states (commonwealths) as well. The state constitutions include provisions for local government as well as for the government of the whole state. All of these governments are composed of *representatives* who are elected by voters in the territory governed, or of officials who are appointed by some direct representative of the people. Some of the representatives, as the President of the United States or the governors of the states, represent the whole nation or state. Others, such as the members of the lower house of Congress, or practically all members of the state legislatures, are chosen from *districts*. It is the American practice, when representatives are chosen for any legislative body, to divide the state into districts which have, as nearly as possible, the same population. In short, *representative*

¹ The exact method by which the people are to change any existing constitution is prescribed in the constitution itself. There is considerable variation in the process used to amend the present state and national Constitutions, as we can see by consulting §§ 203, 208.

Political
party repre-
sentatives.

government in America means the representation from territorial districts of equal populations.

These representatives and the officials appointed by them are members of some unofficial political organization. We call these organizations political parties, although sometimes fairly permanent local organizations are non-partisan. Whenever an election is held to fill a position, each political party attempts to persuade the voters to select a man from its party as the people's representative. Although some



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THE MINNESOTA STATE CAPITOL.

elections, especially in cities, are not party contests, it can truthfully be said that *government in the United States is representative government of the people acting through political parties.*

Why there
departments
are neces-
sary.

65. The Departments of Government. — In order that any government may perform properly the work for which it has been created by the people, it must have three departments. First of all, there must be some body, that is,

group of persons, to make laws, and this body is called the legislature or the *legislative department*. Then, we must have officials who see that the laws are obeyed, and those officials who enforce the laws constitute the *executive department*. Finally, a system of courts is necessary so that proper punishment may be meted out to those who break the laws, and that persons who have suffered loss or injury at the hands of others may have an opportunity to secure redress for the wrong done. Those courts which interpret the laws are known as the *judicial department*. One of the most distinctive characteristics of American government is the almost complete *separation* of these three departments. This separation has been made because our people have always believed that the liberties of the people would be endangered if the departments were united, because we have preferred a government of checks and balances.

66. Our Federal System of Government. — Our country is governed under *two* great *systems* of government, each of which has its own constitution or set of constitutions. These two which carry out the wishes of a *single sovereign people* are the NATION and the STATES¹ (commonwealths). *Such a division of power between state and national governments, which look after different interests and work independently, although simply supplementing each other, is called a "FEDERAL SYSTEM" of government.* This division of the work of governing leaves to the *national government* such matters as foreign and interstate affairs, and many other duties that no one state can perform for itself, while the governments of the states are allowed to make and carry out laws concerning the holding and transference of land, laws dealing with marriage and divorce, education, the punishment of crime, the incorporation of industrial and many other corporations; in fact, with an almost innumerable list of subjects for which uniform laws are not supposed to be necessary throughout

Distribution of powers in a federal system of government.

¹ By the term "state" is meant the people of the whole state, who are governed under a central government, usually called the "state" government, and under local governments.

the United States. This federalism is perhaps the most distinctive and important feature of our government.

Difference between a centralized and a federal system of government.

In some countries, most or all of these subjects last named are looked after by the national government, which is then called a *centralized government*. In the United States, however, these powers of government are left with the states, and the states cannot be deprived of them except by the people of the whole United States in the cumbersome way provided for the amendment of the national Constitution. We have therefore a system that is not centralized, but which constitutes a form of *federalism*.

Seven characteristics of government in this country.

67. Characteristics of American Government. A Summary. — The most important characteristics of American government may be summarized as follows: The United States has (1) *popular government* (2) based on the *written constitution* and (3) carried into effect through a system of *representation*. It is distinguished by (4) a *broad citizenship* with ample protection of citizen rights, (5) *manhood suffrage*, and (6) *the separation of the departments of government*. (7) Although the people of the nation are sovereign, the *federal system* provides that part of the work shall be performed by distinct governments, the national and the state.

ECONOMIC ORGANIZATION AND ACTIVITIES

Importance of economic processes and activities.

68. Some Fundamental Economic Processes. — Although we are treating economic organization last, nevertheless we should understand that the getting of a living is more important than laws or institutions. Men may be law abiding, but they will not voluntarily starve to death because custom or law prohibits their doing the only things that will keep them from starvation.¹ We have already discussed economic

¹On the contrary, if men find it necessary to change their occupations in order to earn a better living, sooner or later their laws will be changed and their social organization will be modified in order that the new business may prosper. In short, a change of economic conditions leads to new laws and to different forms of social organizations, although new laws and new social organizations may have little effect on occupations.

organization a little, especially in connection with the distribution of occupations (§§ 34, 36, 41). There are, furthermore, certain economic processes with which it is worth while to be familiar, for continual reference must be made to them in the discussion of any phase of life to-day. These are *production, distribution, exchange, and consumption.*

PRODUCTION is the process of creating wealth. The miner who digs minerals out of the earth, the farmer who raises grain or vegetables, and the manufacturer who transforms raw materials into finished products are typical producers.

Production.

In the process of production use is made of *land* or other natural resources, *capital* must be utilized in the form of tools and raw materials, *labor* must be provided at every stage in the creation of the product, and some one, whom we may call the *enterpriser*, must take the trouble and the risk of seeing that the commodity is created by the combination of land, labor, and capital. The landowner will not risk his land, nor the capitalist his capital, nor the laborer furnish his labor unless each secures a *return*. When any wealth is produced, therefore, it is divided among these classes of producers; the landlord obtaining *rent*, the capitalist *interest*, the laborer *wages*, and the enterpriser *profits*. This process of division is called DISTRIBUTION.

Distribution as the "return" for the use of land, labor, capital, and "enterprise."

The process of transferring commodities from one owner to another is known as EXCHANGE. As it is inconvenient to barter one commodity directly for another, use is made of money or credit. Transportation systems and stores of all kinds are examples of economic organizations used in exchange.

Exchange.

The end for which all commodities are made and exchanged is of course the satisfaction of human wants, or CONSUMPTION. Unless there is demand for certain articles, no one will go to the trouble or expense of making goods or shipping them to market for sale.

Why consumption is the most fundamental process of all.

69. Some Characteristics of the Economic Order To-day. — A comparison of the business world to-day with that of ancient times or of the Middle Ages reveals some startling differences. The first fact which impresses us is the preva-

Contrast between freedom to-day and bondage in the past.

lence to-day of *personal freedom*. In ancient society there were multitudes of slaves and other multitudes of common people little better than slaves. In the Middle Ages more than nine tenths of the rural population were peasants, either villeins or serfs. The villein was partly free, but the serf was bound to the land.

Private
enterprise
and initia-
tive.

A second characteristic of the present economic order is *private enterprise*. Every worker is allowed to choose freely the work that he wishes to do. The state does not compel him to follow the business of his father, or to do any special work. The selection of his occupation is limited chiefly by his education, his taste, and his personal fitness. If he is uneducated, he may not practice law or medicine because society insists that lawyers and physicians shall know at least the rudiments of their profession. If he possesses capital, he is not obliged by law or custom to invest that wealth in land or in some specified form of wealth; he may choose agriculture lands, mortgages, industrial or railway stocks, or any other form of investment which he wishes and is able to make. American society to-day encourages the invention of new machines and the development of new businesses by giving patents to inventors and special privileges to new types of enterprises. Consequently profits may be higher in new businesses, although the risk, of course, is greater.

How laws to-
day favor the
acquisition,
retention,
and bequest
of private
property.

70. Private Property and Contract. — The most important economic institutions in use in America to-day besides the two named above are *private property* and *contract*. What any individual may earn or save becomes his own. In some countries only movable goods have been subject to private ownership. In the Middle Ages land was not owned by the people who held it or used it, but was held in fief by nobles who owed feudal allegiance to overlords and was "rented" by them to peasants. With us to-day private ownership has been encouraged by the lavish disposal of valuable government lands, by laws which promote private enterprise, by laws which have protected private property even more than the life of the workers, and by laws which

permit wealth to be bequeathed from generation to generation (§ 145).

Without the right of *contract* individuals would not have been able to amass or protect private property as they have. The American people allow any responsible adult, or the guardian of younger people, to make contracts for doing any work, if they are made voluntarily and give a fair return to each party to the contract. If either party fails to keep his part of a contract, the government, on request of the injured party, forces both parties to keep the contract.

How the government allows freedom of contract, yet enforces contracts.

71. Division of Labor and Large-scale Industry. — Other characteristics of modern industrial activity are *division of labor*, with *large-scale production*. The two tend to go together. When every family



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produced almost everything which it needed, each man raised his own food, made his own clothing and shoes, in addition to the furniture and utensils of his home, and with the help of neighbors built his own house. The worker to-day is not a jack-of-all-trades; he is a specialist. His specialty may be diseases of the eye, or corporation law, or the teaching of physics. It may be the specialized work of engineer, bookkeeper, or watchman, or simply one of a

Specialization and division of labor.

thousand processes into which the work of a factory is divided. The name division of labor is applied particularly to work of the last type.

Why large-scale production through corporations is the most productive form of industry.

It stands to reason that any work which is subdivided into a thousand, or a hundred, or even a dozen operations cannot be done in a small shop or factory. As it is possible to produce much more by a division of labor through which each worker acquires skill and speed for his specialized task, *modern industry naturally is on a large scale*. The invention of machines, the improvement of machinery, and the increased size of machines is a further reason for using large factories rather than small shops. As large factories and great combinations of industrial plants or transportation systems cannot be owned by the ordinary capitalist, even if he is a millionaire, the state allows many investors to put their savings together. The *corporation* that issues stock which can be sold in shares in small quantities enables many investors to provide the capital necessary for great undertakings.

Coöperation in all stages of all economic processes.

72. Coöperation and Markets. — Not only is *coöperation* necessary within each factory or railway system, but it is also necessary between different groups of producers and consumers. Few factories produce the raw material which they use. No railway produces either the raw materials or the finished products which it transports. Each group of industrial workers keeps steadily at its task; the farmer in the field, the miner underground, the operative in the factory, the trainmen on the railway, the clerks in the store, and the capitalist in his office. Each does a necessary share in the great complicated process of adding something to the value of commodities which will eventually be purchased by some consumer and used by that consumer to satisfy his wants. So highly is coöperation developed in industry to-day for the great *market* in which producers and consumers are brought together.

73. Competition and Monopoly. — In most of these processes the workers are stimulated by the knowledge that they are in *competition* with countless others. If they fail to

do their share of the work, they realize that they will not only produce little, and receive little, but that they will be replaced by others who do more. Competition also nerves each to excel, since profits are large if one can make his work a great success.

Competition to prevent loss and secure gain.

Knowing also that if competition can be cut down the profits will be still larger, every one who can limit competition in his line tries to do so. An eye-specialist who is recognized as greater than his competitors has almost a *monopoly* and commands high prices for his time. The holder of a

Advantages of personal, legal, and industrial monopolies.



CHAMBER OF COMMERCE OF THE UNITED STATES.

patent, which is a legal monopoly of the right to manufacture the article patented, makes as much profit as possible while he has control of the market. The producer of steel or oil seeks to create a giant corporation or group of corporations which makes it possible for him to charge higher prices and therefore gain more profit.

74. Production and Distribution. — Societies are very dependent for welfare and success upon the *creation of wealth*. People frequently overlook this simple fact, de-

Why the production of wealth is of first importance.

clarating that a *better distribution of wealth* alone is necessary. Better distribution is most important, *if sufficient wealth is created for distribution*. The first aim of any economic society therefore should be the production of a large amount of wealth. The creation of the greatest possible wealth might seem simply a matter of industrious labor, but it is far more than that, because it depends also on abundant capital, fine machines, and an excellent economic organization, intelligently directed.

Economic and social progress to be measured by general welfare and by improved standards of living.

The second aim of any economic society should be the just distribution of wealth, for it is of little value socially to produce wealth if it is distributed unfairly. Progress, success, and prosperity are after all relative terms. They are to be measured, not by the total wealth of a country, or by the sum annually added to that wealth, but by *improved standards of living* among the people and by increased general welfare. (See §§ 87-88.)

Why civic organization is of value to us as individual citizens.

75. Civic Organization and the Citizen. — The question may be asked, "What has this civic organization, social, political, and economic, to do with me as a citizen?" It underlies citizenship. As already noted, citizenship is chiefly a matter of rights and duties. These rights and these duties, for they are usually inseparable, grow out of our relations to different civic groups or to some person in some group. A few of these can be mentioned as typical of others. We have obligations to parents, and to schoolmates; to the government officials in paying taxes and in obeying laws; to landlords and to employers. In each case we have rights. The point to be noticed is that our obligations as well as our rights extend to any person or to any civic group with whom we have any dealings whatsoever, directly or indirectly.

Why a knowledge of civic organization is necessary to understand our rights as well as our duties.

Is it not advisable, is it not necessary, that we know a little about the general character of this nation of ours, with its complex organization, social, political, and economic? The less we know of it, the more certain are we to fail in securing the rights to which we are entitled and the more surely will we fail to fulfill our obligations. We may object

to the first statement and contend that the more ignorant the citizen, the more he insists on his rights. That is quite true, but since he does not really know what his rights are, he probably does not get those of which he is ignorant. Instead he gets into trouble by trying to have what he wrongfully thinks are his rights.

These are some of the characteristics of economic organization and activity in America to-day, personal freedom of workers, private enterprise, private property, the right of contract, division of labor, large-scale production, coöperation, and competition in wide markets.

Summary
of economic
character-
istics.

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Questions

1. Show how social organizations are somewhat like animal organisms, and how they are unlike.
2. Explain these terms: differentiation, coördination, custom, institution, social mind, public opinion.
3. Show the difference between social organization and social control.
4. Why is custom so important in all primitive societies? Is custom as binding to-day as it was in the Middle Ages? If not, why not?
5. Does the development of institutions depend at all on the complexity of civic organization? on the intelligence of the people? on the fact that the society is growing rather rapidly?
6. Define these terms: state, nation, sovereignty, constitutions, representative government, federal system.
7. What is the difference between the protective, regulative, and directive duties of the state? Is it true that the more law we have, the less liberty there is? Is the reverse true?
8. Name and explain six characteristics of American government to-day. Can you name another?
9. Explain production, distribution, exchange, and consumption.
10. If land, capital, labor, and the enterpriser each contribute something in producing any commodity, is each entitled to a return? What is the return for the use of each called?
11. Why are personal freedom, private enterprise, private property, and freedom of contract, for us as individuals, the fundamental characteristics of economic organization to-day?
12. Show how modern industry depends on development of markets, reasonable competition, coöperation of producers, sellers and consumers, division of labor, and large-scale industry.
13. Why is the successful creation of wealth a more fundamental problem for society than is the distribution of that wealth? Why is just distribution the most important present social problem?

CHAPTER V

THE AMERICAN HOME AND FAMILY

THE IMPORTANCE OF THE AMERICAN HOME

76. The Family as the Sole Social Unit. — The history of civilized society in ancient and in medieval and in modern times is a history of societies made up of families. Cities are necessary for carrying on business and securing the maximum of profit and enjoyment of life; states (commonwealths) are important in the making of laws, the preservation of order, and the protection of rights; nations are essential for the organization of large societies for their government, protection, and development; but none is as important as the family, the economic unit in the use of wealth, for which alone wealth is created — the *basis of society* to-day as in the past and *the only distinctly social unit* in the modern world.

Economic
and social
importance
of the family



A METROPOLITAN APARTMENT HOUSE.

Humanity has created a great civilization. Each generation must add something of value. The children of to-day, if born into good homes, will carry on the work of past ages, making the next half century greater than this half, as this half is greater than the late nineteenth century. We

How hu-
manity's
progress de-
pends upon
good homes.

must have strong, healthy children, cared for by loving, wise parents, and trained for life and citizenship. In short, we must have good homes; for upon the real success of the home all of these things depend.

The home
and the
dwelling
place.

Every child has a right to a home, a family center. Society may protect him by negative safeguards; the home must make him a useful citizen. The home must not be confused with the house, for the home is the family center. The dwelling place may consist of but two rooms in a city tenement or a boarding house; it may be one of a dozen apartments on some floor of a metropolitan building; it may be the tiny cottage of an unskilled laborer, the residence of a wealthy merchant, or the imposing palace of a millionaire. Environment does not make the home, but unfavorable environment certainly helps to destroy it.

Why the
polygamous
families did
not have a
real home.

77. Marriage in the Past.—In all ages the character of the home has been influenced greatly by the marriage customs and laws of a people. Where *polygamy* was practiced, the home was necessarily very different from the average American home of to-day. The father or the patriarch was absolute ruler. Each wife had few rights and only a minor share in the home, and she probably was not related to any other wife except through marriage to the patriarch. The half brothers and sisters did not have toward one another the interest which American youths have in their brothers and sisters. Consequently the home was able to do less for each child than a home does to-day.

Why mo-
nogamy has
been com-
mon and is
better than
polygamy.

Among civilized people *monogamy* has probably always been far more common than polygamy, even where polygamy was permitted. The fact that, so far as our observation goes, the number of men has usually been about the same as the number of women in any normal society has made the marriage of one man and one woman natural and necessary. The social advantages of a monogamous family over a patriarchal family favor the former. The modern American family suffers few of the disadvantages just enumerated for the polygamous group.

78. Society and Marriage Laws. — The American home to-day is not what it was a century ago or what it will be a few decades or a century hence, but it is a much finer institution than that which we have been considering. We shall notice later the changing character of the American home, the problems of its permanence, and its economic position. For a moment let us consider the question of marriage and marriage laws to-day.

The American home, past and future.

In all ages marriage has been regulated by custom as well as by law. In fact, the law usually embodies little besides the customs of any people. This alone shows that marriage is essentially a social institution, regulated by the whole society. Naturally any *society* is vitally interested in, and affected by, its chief social institution.¹ Society, however, has never made many positive regulations regarding marriage; it has contented itself with negative rules or laws. Children are not allowed to marry, nor is a man who has been married once permitted to marry again as long as he is legally married to his first wife. Marriage ceremonies are always required and marriage licenses usually demanded.

Why society is vitally interested in marriage laws.

79. The Individual American and Marriage. — Among some peoples custom has decided rather definitely whom a young man may marry and whom he may not marry. In many other countries the selection of a husband or wife is settled by the parents of the bride or groom. In America, society does not prescribe by law how a life companion shall be selected, nor by custom does the family decide this momentous question. In America far more than in any

American freedom in selecting a mate contrasted with usages in other countries.

¹ In so vital an affair as marriage, society has been exceedingly cautious and has not added greatly to the regulations which have been developed in past centuries. In fact, it has almost abandoned some of the old safeguards, such as the publication of the banns, during a series of weeks before marriage and the performance of the marriage ceremony by some responsible person in authority who knows the contracting parties. Although some new rigid laws have been passed in a few American states, in general the attitude of society has been to "make haste slowly." Certainly we should not hesitate to use all means which would properly safeguard public morals, or which would insure to the next generation healthier bodies and a better start in the world than were possessed by the children of the past.

other country a young man or a young woman has almost unrestricted choice of a mate. It is especially necessary, therefore, that, for their own welfare and that of society, the choice shall be wise.

What the school can do or must do in preparing youths for home life in the future.

However interesting a discussion of matrimony might prove to be, this is not the place for a consideration of that difficult and important subject. Yet, if the home neglects its duty of preparing its young people for life in homes of their own, the school must necessarily take up part of the burden. In a nation in which more than nine tenths of the housewives do their own work, it can at least give the girls a rudimentary training in the care of a home. It can prepare the boys to be better breadwinners. It can show the folly of hasty or too early marriages, the disadvantages of marriages delayed until middle age, and the objection to establishing a home on an inadequate income. It can emphasize the risk of marrying some one of radically different age or character or one accustomed to a totally different standard of living. It can point out the dangers of marrying for a home without love, of neglecting the question of health, and of disregarding the accumulated wisdom of parents, friends, and society.

PERMANENCE OF THE FAMILY

Almost absolute right of divorce for men in ancient times.

80. Divorce in the Past. — Almost all ancient races gave men the right to divorce their wives. Some ancient codes of laws sought to regulate divorce, so that the husband could not abandon a wife at will. A long step in advance occurred when the husband was obliged to return the dowry of a wife that was divorced.

Divorce during the Middle Ages and the Reformation.

In the Middle Ages, divorce, as well as marriage and many other personal relations, was controlled by the Church. Divorce was not permitted. The Reformation did not make divorce much easier, although both marriage and divorce were in some countries brought under civil law and regulated thereafter by the government.

In the American colonies and *in our early national history divorce was almost unknown*. This was far more a matter of custom than of law. Divorced women were almost ostracized by society. No matter how galling the matrimonial union, or how real the need of divorce, none except the boldest, most independent spirits found the remedy better than the disease.

Regulation of divorce by law and custom in our early history.

81. Changing Conditions which lead to Divorce.— Since the Civil War the economic and social organizations of the American people have changed greatly. Whereas in 1870 less than one fifth of our people dwelt in cities or villages, now more than half of them live in urban centers. *City life* has undoubtedly interfered with family life in many ways, not only by preventing many families from having their own separate dwelling, but also through the varied interests by which the city attracts adults as well as youths.

Effect of city life on the modern family.

The development of industry as well as city business has given opportunities to girls and women as wage earners. Formerly there was no work for women outside of the home. At present one woman in five is a wage earner (§ 264). *Store, shop, and factory* offer an income, chances to meet others, and a relief from a routine that threatened to become monotonous. Having incomes of their own, women are independent as they could not have been in the past. Marriage is no longer the chief outlet for a young woman, nor is the spinster any longer neglected or despised, as one whom the fates did not choose.

How business has been drawing women away from the home.

Another important change has been *the increase in the privileges and rights of women*. The period from the Revolutionary War to the Civil War was an era of equalization of rights for all white men; ¹ the last half century has brought to women many of the rights previously granted to men. These have been chiefly legal rights to property, ² but they have included also political privileges, for in 1917 eleven states had full woman suffrage and many others gave partial suffrage to women. The most valuable right of any married

Effect of an increase in social rights.

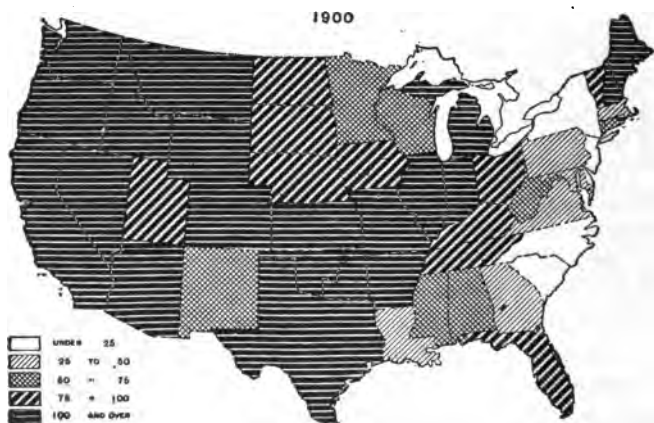
¹ Ashley, *American History*, § 292.

² *Ibid.*, § 481.

woman would naturally be the opportunity to free herself from a marriage tie that was objectionable. Consequently the last half century has witnessed an increase of divorce that is extraordinary.

Appalling increase of divorce in the United States.

82. Divorce in the United States (1867-1906). — From 1867 to 1886 the divorces in the United States numbered 328,716. From 1887 to 1906 the number increased to 900,534. In 1870 there were 29 divorces annually to every 100,000 inhabitants, by 1880 the number had risen to 38, in 1890 to 53, in 1900 to 73, and in 1906 to 86. Such an in-



AVERAGE ANNUAL NUMBER OF DIVORCES FOR 100,000 POPULATION.

crease shows an appalling and dangerous unrest. *In the United States the present rate of divorce is more than twice as high as in any other civilized country on the globe.* Whereas Germany has only one divorce for every fifty marriages, in the United States there is one divorce in every ten or eleven marriages. In some western states the rate of divorce is nearly four times as high as in the whole United States, at least every third marriage ending in divorce.

As one would expect, more than two thirds of the divorces are granted to the wife, and these usually come earlier than

those granted to the husband.¹ This would seem to indicate that social unrest among women is a very important cause of divorce. That is not necessarily the case, however, for desertion or cruelty is the reason given for about two thirds of the divorces granted to women. Fortunately the rate of divorce in families that have children is not more than a quarter as high as it is among childless couples. Divorce is naturally a far more serious evil to society where it leads to the destruction of the home and the separation of children from at least one parent.²

Character
of the di-
vorces
granted in
this country

83. Remedies for the Divorce Evil. — As the increase of divorce has been due to social causes rather than to our laws relating to divorce, *remedies would naturally be sought in the causes which give rise to divorce.* Most attempts to solve the divorce problem, however, have dealt chiefly with laws. Since many states have had lenient divorce laws, they have attracted people who wish legal separation from their mates. A quarter century ago some of the prairie states were the Meccas of dissatisfied husbands or wives. Temporary residence and almost any pretext resulted in divorce. No notice was sent to the one from whom divorce was sought.

Past at-
tempt to
cure the di-
vorce evil
through
laws.

To remedy this glaring evil of "overnight divorces" a national divorce law was sought. As none was passed, the Supreme Court of the United States decided that divorces could not be given by any state except to a bona fide resident of that state, and that the party from whom di-

How greater
uniformity
in divorce
"legislation"
was sought
and ob-
tained.

¹ More divorces are granted to wives who have been married from three to four years than for a longer or shorter period, whereas the maximum number of divorces granted to husbands came at the end of six years of married life.

² Professor Emory S. Bogardus of the University of Southern California has made a careful study of the connection between broken homes and delinquent children. In Los Angeles County, he finds that the percentage of poverty and delinquency is less than half as high among the children from ordinary homes as it is from those whose parents are divorced, or are not living together. Moreover, he finds that the broken home loses control of its girls even more than of its boys. The records of the juvenile court do not give the names of many girls from regular homes, but they contain the names of large numbers of girls from divided families. The protection of the children demands some reform of at least the most glaring divorce evils.

orce was sought must be notified. *A national divorce law*, or at least greater uniformity in our diverse laws regarding divorce, is still desired by many people. Others contend that the trouble is not with the law but with the lax administration of the law and the differing public sentiment about divorce in different communities.

Some suggestions on real remedies by checking causes of divorce.

Most of the social causes (§ 81) which lead to divorce are not easily controlled because they are connected with important social movements. As these inevitably continue, it is not easy to stop the growth of divorce by checking the cause. However, something can be done and is being done. *Better marriage laws* are needed, e.g. laws which make it impossible for mental and physical defectives to marry. *The universal use of licenses*, a longer period of waiting before licenses are granted, and more responsibility upon those who perform marriage ceremonies are some of the legal safeguards which might reduce the number of unsatisfactory marriages. Something can be done by more *education* on the subject of the home and the importance of marriage; still more by *greater care in the selection of mates* and a better realization of the place filled by the home and the family in our civilization to-day. *Courts of domestic relations* which seek to reconcile dissatisfied husbands and wives, more careful investigation of cases by judges, and more stringent regulations to prevent remarriage are among means used to maintain the permanence of the home and the family.

THE HOUSEHOLD AS AN ECONOMIC UNIT

Why the family is an economic unit.

84. Economic Position of the Family. — In the United States there are nearly twenty million families. Most of these families are self-supporting groups which provide themselves with such necessities, comforts, and luxuries as they may wish or can afford. Each of these millions of *families* earns its own income, looks after itself, and pays its own expenses. Usually one person, the father, is the wage earner for this group, although other older members frequently pay some share of the family expenses. In short,

in this difficult and interesting business of making a living, the family is a self-supporting group, a prominent *economic unit* in modern society. In the *consumption* of wealth the family is far more important than any other group, and incomparably more important than isolated individuals.

During the colonial period, as in ancient and medieval times, each family was a distinct *producing unit* as well as consuming unit. On the farm the father raised his crops, or in a shop close to his house he made goods which he traded or sold to his neighbors. Those were the days of real "household economy" or industry, each family being a real economic and almost self-sufficing unit. As the sons grew to manhood, they helped the father until they married and established homes of their own.

The early American home as an almost complete economic unit.

85. Size of American Families. — In colonial times, since labor was scarce, the more children there were, the more workers were provided. Large families were an advantage. Families of six or eight children were the rule. Because land was abundant, living was plain, and luxuries were not to be expected, the boys and girls earned their own way by the time they were thirteen.

Advantage of large families in colonial times.

The normal American family to-day consists of five members, the average number of children having dropped to three per family. Land is no longer plentiful, and labor is no longer scarce. Young people do not expect to earn their own living until they are fifteen, twenty, or even twenty-five. Comforts and luxuries are demanded by all. *For the average family a large number of children means a lower standard of living.* "In 1903 the United States commissioner of labor reported on 11,156 families of workingmen. In the families with one child, the average annual income per person was \$212.76; in the families with three children, the average was \$133.18; while in the families with five children, the average income per person was \$94.97."¹ Yet it is among the workingmen rather than in wealthier homes that large families are found.

Disadvantages of large families of workingmen to-day.

¹ Nearing, *Social Adjustment*, p. 151.

Incomes of the average wage earner and the average family.

86. Family Income. — Although prices have risen greatly in recent years, wages have risen also. The average wage earner, unskilled or partly skilled, now earns nearly \$1200 annually. As others in his family usually contribute something during the course of the year, *the average family income of the poorest seventy-five per cent of American families may be said to be at least fifteen hundred dollars a year.* This would give an income of about \$300 for each member, if the families were not larger than the average. If the addition to the father's income, however, is made by the mother of small children, at work which takes her much of the time from the home, it represents a social cost which far out-balances the sum earned by her.

Low incomes and standards of living among some negroes and among Europeans.

Averages are of course misleading, for about a third of these families do not receive more than \$700 a year.¹ Many of these, however, are poor colored families of the South, in sections in which the cost of living is low. Even these incomes are large if compared with those of the peasant or artisan of Europe. In Prussia, it is asserted, four fifths of the families have supported life on less than \$400 a year and 94 per cent on less than \$750 annually.

The great wealth and large income of many Americans.

On the other hand, according to returns from our national income tax, nearly eight thousand Americans admit that they are millionaires, and nearly four hundred thousand have net incomes of more than four thousand dollars a year. Some authorities believe that a half million families in the United States have incomes which make them subject to the income tax of 1913.

The distinction between real wages and money wages.

87. Expenditure of Family Income. — Incomes are to be measured less in dollars than in the amount which those dollars will purchase. If wages or incomes have risen more rapidly than prices, then *real wages or incomes* are higher than they were; but, if wages have gone up a little and prices have gone up more, then real wages are lower than they have been. *Real wages are undoubtedly much higher than*

¹ According to King only $\frac{1}{4}$ were so low as \$500 in 1910. King, *Wealth and Income*, p. 224. Most of these were very small "families."

they were three quarters of a century ago and about the same as they were twenty years ago.¹

After all, it is not the amount of the income but the *actual use of the income* which determines the economic position of the family. If families of workingmen are obliged to spend 55 per cent for food, 15 to 20 per cent for shelter, and 10 to 15 per cent for clothing, they will have less than 20 per cent for all other comforts and for all luxuries. What is saved must be saved out of that small possible surplus, certainly at great sacrifice. The larger the family, the smaller the remainder for comforts, and the smaller the chance of laying up a little for a rainy day.

Why the average family spends much for necessities and little for luxuries.

Considering the fact that most families do save little for comforts, we are surprised to learn that not less than one quarter of the total sum spent for food and clothing might be saved, with a little knowledge, skill, and care. *Waste* occurs in the buying of food in small quantities, in the selection of poor goods, and in the purchase of foods of little nutritive value. Even more is wasted in the cooking and serving. There is even greater waste in the purchase of clothing. Our schools should teach boys and girls, and mothers if they wish, how to make a little go farther in real values.

Specific cases of waste in using food or clothing.

Many mothers display wonderful skill in making family purchases. Is it not a pity that all mothers have not received the training which might make the average \$400 spent for food go as far as \$500 does at present? Would not society be far more than repaid for the cost, if they were trained in scientific household management? Considering the number of underfed and half-starved children and adults in the United States, the failure of society to give better preparation for the use of wealth seems almost criminal.

Why family economy should be furthered by education.

88. Standards of Living. — The comforts and luxuries which are purchased by any family for its own satisfaction represent that family's standard of living. If the family income provides only bare necessities, we speak of the father

Living wages and low standards caused by drink, etc.

¹ See chart, page 343.

as earning a "*living wage*." Sometimes expenditures are so unwise that an income which should have furnished a good standard is too small to cover real necessities. Poverty and *low standards* are often caused by drink, even if the wage earner is not thrown out of employment. If a quarter of a small income is spent for ornate dress, food will probably be scarce in the household.

Society should raise low standards of living through education.

It is amazing how many school children in large cities, particularly in the lower grades, come to school without breakfast, or so insufficiently nourished or clad that they cannot study. Such low standards of living as their homes have are a menace to our welfare, since they deny to many children the opportunity to prepare themselves for life work by which they may provide properly for their own families in later years.

Different "occupational" standards. The cost of high living.

In no other country do so many people enjoy a *high standard of living* as in the United States. As a race we are notoriously extravagant in our expenditures. One quarter of our people, having incomes which make the necessities of life a comparatively minor item, demand luxuries which only the wealthy can afford. The man employed in office or store of necessity dresses very much better than an artisan or day laborer, but he finds that his high cost of living is really represented to a very large extent by his family's desire to live in a good neighborhood and do all of the things that his neighbors do. In 1916 there were nearly three million automobiles in use in this country, or one for every thirty-five persons, very many having been purchased with borrowed money. As has been so aptly said, the high cost of living in recent years has been due to the cost of high living.

Why society should find a real remedy, not charity, for industrial victims.

89. Financial Problems of Industrial Victims. — Problems which are more or less theoretical under normal conditions become serious under unusual circumstances. The family income which may have been \$1000 at once becomes \$300 or less if the chief wage earner dies or becomes incapacitated for work. When hard times come on and employment is

irregular, again the income falls far below normal. The question arises, "What does society do for these unfortunates?" We must admit that very little has been done in the past. If they are reduced to abject poverty, private charity as well as public help may relieve hunger and keep a roof over their heads. These are not *preventive measures*, but remedies which do not remove any cause or give any permanent relief.

Within recent years there has been a growing interest in suffering that is caused by our complex industrial system. Formerly, when a workman was injured or killed, the whole loss was borne by his family. To-day, in most American states, society bears a share through *workingmen's compensation* (§ 269). In some countries attempts have been made to reduce unemployment, but as yet little has been attempted for the unemployed in the United States (§ 270). Some countries prescribe a *minimum living wage* that shall be paid to men. Since wages are high in this country, regulation for that purpose has not been attempted. We have been content to establish minimum wages for girls who presumably are away from home, making possible for them a decent standard of living (§ 266).

90. Women and the Future Home. — The changing home of the nineteenth and twentieth centuries reflects changing social and economic conditions. As we noticed above (§§ 51, 55, 81), new industries and occupations sooner or later bring social changes. The self-supporting colonial home, with its large number of children, was natural in a primitive community in which land was abundant, families were separated, and labor was scarce. As in the ancient patriarchal family, the rule of the head of the family was autocratic. Until the children separated to establish homes of their own, there were no occupations which tended to break up the home. Since household or home duties were the sole occupation of women, the best they could do was to change from the drudgery and harsh rule of a father's house to similar drudgery and narrow life in that of a husband.

Some relief or preventive measures used in some civilized countries to-day.

Why the home of our "fore-fathers" was not a good home for a woman.



BIENNIAL CONVENTION, GENERAL FEDERATION OF WOMEN'S CLUBS.

© E. P. Foley.

The old type of home cannot be reëstablished any more than Europe after 1815 could go back to the "old régime" which existed before the French Revolution. Nor is it desirable that the old home should be reëstablished. What is necessary is that the new home, the home of the future, shall be better than those of the past and of the present. Other things being equal, it certainly will be better if social conditions do not force women to marry. Certainly homes based on real love and affection, homes in which the mother as well as the father is really a free agent, guarded in her rights by law and custom, will be better than one in which she was little better than a housekeeper or upper servant. It does not follow that the modern woman, with her manifold rights and interests, even with her opportunities to be a worker outside of the home, will be a less capable mother than her own great-grandmother. If she is, so important is the home, the clock of civilization will be set far backward.

Why the new home should be better than the old home.

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Questions

1. Explain the difference between marriage in the distant past and in the present? What are some of the objections to polygamous marriages? Why do lax divorce laws expose modern families to many of the same disadvantages?
2. Show that society should regulate marriage. To what extent is marriage regulated to-day by custom? by statutes? by the whim of the parties who are marrying?
3. What is the effect of large families on the workingman's standard of living? For what do workingmen's families spend most money? Is the cost of clothing for the average high school girl too high? Show how wastes may be eliminated in the purchase, cooking, and use of foods.
4. Explain fully changes in conditions during the last half century which lead to divorce. Which have been most influential, those that are political or economic or social?
5. How would these things help to solve the divorce problem: improve character of those who marry, stricter marriage laws, a definite monthly allowance for a wife, more care in investigating and deciding divorce suits?
6. How is the modern woman better off than the woman of a century ago? Why should the modern home be better than the old home? Why is the movement for the best possible homes an important topic in the new civics?

PART II
GOVERNMENT AND THE CITIZEN



THE CAPITOL AT WASHINGTON FROM THE NORTHEAST.

CHAPTER VI

SUFFRAGE AND ELECTIONS

91. Popular Coöperation in Government. — As we noticed in the first section of this book, the ordinary citizen must not be confused with the voter. The citizen is a member of the nation who may or may not share in the work of governing. The voter, on the contrary, is a member of the nation who takes *an active part in the work of government*. Important as government is, we discovered in Part I that it is after all only a small part of the work of a nation and of a nation's citizens. It is not necessary, therefore, that every citizen should have a share in government, nor would it be wise to give such a share to those persons whose youth, ignorance, or inexperience would make them undesirable voters. Only those citizens,¹ therefore, are voters who are actively interested in the public work of society and who presumably are capable of governing the city, state, or nation intelligently.

Why all citizens do not have a direct and active share in government.

Manifestly it would be impossible for all voters to make laws, enforce order, and decide judicial disputes. Consequently the voters select certain direct representatives whom we may call *elected officials*. Naturally the most important public offices are filled by election, but the elected officials are far outnumbered by *appointed officials*² or em-

Selection and removal of officials.

¹ Citizens or prospective citizens.

² The system of appointment is used much more in connection with the national government than with those of the states, counties, cities, and towns. Only the President, Vice President, and members of Congress are elected directly or indirectly by popular vote. All national judges and national executive officials and employees, numbering nearly five hundred thousand, are appointed. Members of *lawmaking bodies* are *invariably elected* by the people. These include congressmen, state legislators, city councilmen, county supervisors, and town selectmen. Election is used for almost all state or local judges, and for the

ployees. In many states the voters retain the right to remove any official who fails to represent them properly or to do his duty as the public desires. This right is often exercised in the form of the *recall* (§ 121).

Direct legislation and public influence.

When the officials of the government fail to give the people such constitutions and laws as the public wish, the people may propose laws, through the *initiative* (§ 116). They also insist that they shall have the last as well as the first share in lawmaking, a form of popular coöperation in government known as the *referendum* (§ 117). In addition all citizens, especially those belonging to organized groups, such as churches, national societies, or labor unions, exercise an immense influence on government through *public opinion*.

NOMINATIONS FOR ELECTIVE OFFICE

The legislative caucuses and the first nominating convention.

92. History of Nominations.¹ — Nominations for elective offices to-day are made directly or indirectly by the people, but this has not always been the case. In the early years of this republic there was no regular method of nominating candidates for public office, nor was there any machinery for that purpose. Nominations were made ordinarily by a group of office holders, possibly members of Congress or a state legislature, who held a *caucus* and placed in nomination one of their friends, usually another office holder.

most important executive and administrative officials of the states and localities. Yet the persons appointed for state or local positions, aside from those connected with schools, probably outnumber the elected officials three to one. Not all persons connected with any government are called officials, for most of them are merely employees whose work involves comparatively little responsibility.

¹ When voters go to the polls and cast their ballots, they vote only for those who have been *nominated* for that office. These nominations are made several weeks before the election either by conventions held by the political parties or more frequently in direct primaries of the voters composing the political parties. In the *campaign*, between the nominations and the election, these nominees or candidates, aided by the very complete organization of their party, make every effort to win over the voters to their side. After the voters have expressed their preference in the *election*, the successful candidates are *installed* in office upon the day set by law for assuming their new duties.

This government of office holders, chosen by office holders and managed for office holders, did not satisfy the American people after the War of 1812, because the people were becoming more democratic. Consequently, about the time that Jackson was elected President, those who were not in office devised a plan of having delegates from different townships within the county, or from different counties within the state, meet together in a *nominating convention*, which selected a candidate for each office to represent their party. Before the Civil War the nominating convention had been adopted by all political parties. Delegates to these conventions were usually chosen, however, in each precinct, township, or county by a small clique of dependable party men. The party delegates were supposed to be elected in a public primary, but the primary always represented the ruling clique of the party, that is, the machine (§ 106).

Beginnings of primaries and nominating conventions.

In order to give the party members real control of their delegates and conventions, it was necessary to reform the primary. To break the hold of the machine upon the primary and the convention, the primary was brought under the control of the state governments, and regular *primary elections* were held at such times as the law permitted. The law prescribes also who may take part in the primary elections of any party.

Use of primary elections.

93. Primary Elections. — At the present time practically all states provide that *nominations for elective offices* shall be made, not by conventions of party delegates, but by the voters in *direct primary*¹ elections. Some weeks before any election, on a day set by law, an election is held similar to a regular election. Instead of having, however, a single ballot for all parties, each party has a separate ballot. Only those voters are allowed to take part in this election who have affiliated themselves openly with some party. Each voter receives a single ballot — that of his party.

General character of the direct primary.

¹ Primaries are of two kinds, the older or indirect (§ 92) and the more recent or direct. When *delegates* only are chosen at a primary election, the election is not a *direct* primary.

Procedure
in direct
primary elec-
tions.

The names of all those persons who desire or will accept the nomination for any office must first be placed on file with the city or county clerk, as soon as they have obtained the signatures of the required number of voters. On the primary ballot of each party appear the names of those who are the candidates of that party for each office to be voted upon at the later regular election. At this primary election the voters of each party, therefore, are allowed to select their candidate for each office to be filled at the coming election. Since no voter can vote more than one ticket, and each ticket represents a different party, members of one party are not allowed to influence the nominations to be made by another. The candidate of each party who receives a larger number of votes than any other candidate or candidates of the same party for the same office is declared the nominee of that party for that office, and his name appears as such on the official ballot used in the general election. This system gives the voters a somewhat freer choice than the old party primary, but it does not produce satisfactory results unless they vote and vote intelligently.

A reformed
national
nominating
convention.

The direct primary has superseded the convention in the selection of party nominees for most positions filled by popular election except the most important elective office in America, that of the President of the United States. *National nominating conventions* of each party are still held in June or July of the "presidential year." The *delegates* to these national conventions cannot be chosen in a direct nominating primary, but they are usually selected in a regular primary election (§ 92), in order that the influence of the political party machine may be reduced to a minimum.¹

¹ Where presidential delegates are chosen in the primary, a system of "*preferential*" voting may be used. The voters of each party of each congressional district are allowed not only to select delegates to represent them in the national nominating convention of their party, but they may name their first choice and possibly their second choice of a party candidate for President.

The presidential preferential primary has been adopted by nearly half the states at the present time. Many people have believed that it was a panacea for the evils which formerly existed in the nomination of a President and a Vice President, but in practice it has been found that the voters usually select

94. Importance of the Direct Primary. — It would naturally be supposed that every voter would attend the primaries to which he is eligible, because his only opportunities of securing good men for office are at the *primaries* and at the *polls* on election day.¹ At the election, his choice will be limited to the different party candidates that have been nominated, all of whom may be unsatisfactory; but at the primaries he may aid in selecting the best man who will accept the nomination as his party's candidate for each office. In reality, the primary gives him a much better opportunity to obtain good government than the election does. Nevertheless, the majority of the voters in the United States neglect to attend the primaries, or go only to confirm the nominees proposed by the machine of their party. The machine undoubtedly knows better than the average voter who will make good candidates, but sometimes a machine proposes unfit men who will not act for the best interests of the party. It is of the first importance, therefore, that every voter attend the primaries of his party, and make sure that the right men are nominated for office.

Comparison
of primaries
and elections.

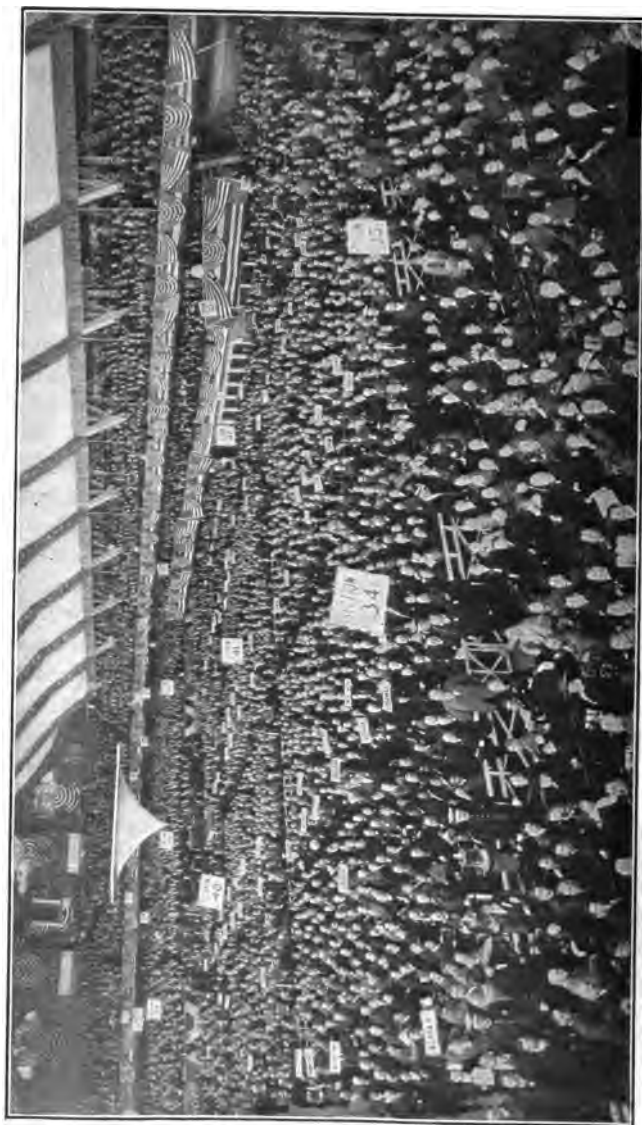
Many of the states make use of the direct primary to increase *public control of the party organizations*, forcing the parties to choose their *committees* (§ 106) at these primary elections. This should produce party organizations which are fairly representative of the members of the party. There is little doubt that many of the vexed problems of nominations for elective office will be solved by perfecting and reforming the party organization, and, except in city elections, by making the *party organizations more directly responsible* for all party nominations, since the machines will always suggest the names of candidates.

Party control
by, and party
leadership in,
direct primaries.

95. A National Nominating Convention. — The national conventions of the different parties meet in some conven-

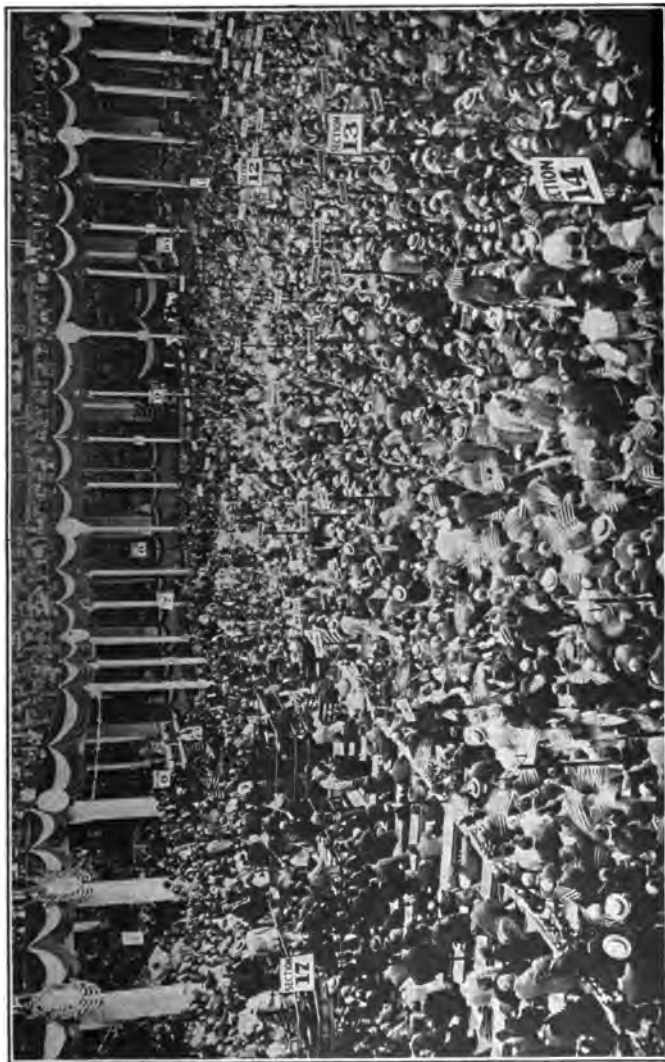
the delegates suggested by the machine and leave them uninstructed in order that they may vote in the convention for the candidate whom they consider the wisest party choice.

¹ Many states provide that, if one candidate has a *majority* of all votes cast in the direct primary, he is *elected*, not nominated.



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REPUBLICAN NATIONAL CONVENTION (1916), CHICAGO.



THE DEMOCRATIC NATIONAL CONVENTION (1916), ST. LOUIS.

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Influence of
the national
committee
on the con-
vention.

iently located and important city in June or July of the presidential year. The day and place have been decided by the *national committee* of the party (§ 106). In fact, the national committee really manages the convention, because if any state sends two sets of delegates to the same party convention, it decides in advance which delegation has really been elected. In doing this it naturally favors its friends. In addition, the national committee usually has also drawn up a tentative platform which embodies the ideas of the committee, of course, rather than those of the convention. When the convention meets, it selects a temporary chairman and several committees which approve or disapprove the decisions on the credentials of delegates and suggestions on the platform made by the national committee.

Method of
nominating
a presiden-
tial candi-
date.

When the convention has adopted a *platform* setting forth the principles of the party, the roll of the states is called and nominations are then in order. Even when there is no doubt about which presidential candidate will be chosen, the names of favorite sons from different states are often placed in nomination and receive complimentary votes on the first ballot. Ordinarily from five to ten contestants enter the field for the prize, each of whom is nominated in a laudatory speech followed by prolonged applause. The nominations having been closed, the roll of the states is called again, and the chairman of each delegation announces its vote. If any man receives a majority vote — or a two-thirds vote in the Democratic convention — one of the managers for a defeated candidate immediately moves that the nomination be made unanimous. This is almost invariably done.¹ After selecting the candidate for President, the convention proceeds to choose a nominee for Vice President.²

¹ Usually several ballots are taken, and at times the voting is very much prolonged, as in the Whig convention of 1852, in which fifty-three ballots were necessary, or in the Republic convention of 1880, which nominated James A. Garfield on the thirty-sixth ballot. Occasionally, on the other hand, candidates are nominated by acclamation without going through the customary forms.

² As the position is one more of honor than power, it is not often desired by

96. The People and the Parties in Nominations. — It is impossible for every person in any party or in all parties to be represented truly in the nomination or in the election of any elected public official, even if that official represents a very small community. It is necessary, therefore, to discover that form of organization and those methods of action which will give the best results. In a democracy no results would be considered good which did not represent the majority of the people fairly well. Hence we have had, first, nominating conventions instead of office holders' caucuses, and, later, primary elections instead of nominating conventions.

Why all people cannot be perfectly represented in government:

It stands to reason that the only effective way in which the people in general may secure a share in the nomination of elected officials is through *organization*. If the people are not organized, those in authority, those with influence, those of position or wealth, will always be able to block the wishes and the will of the people. However, organization in itself will not necessarily bring popular government. If the organization in turn is controlled by those who have position or wealth or influence, it becomes by that fact an instrument of tyranny even more dangerous to the people than an "unorganized system"; we may have the worst forms of "invisible government" (§ 109). In other words, it may be necessary for the government to supervise the party organizations in order that they shall really represent the members of the party rather than bosses or rings (§ 109).

Why party organization is necessary to popular government.

ELECTIONS

97. Political Campaigns. — An election campaign may occupy the entire time between the nominations and the election, or it may be limited chiefly to the month preceding

Efforts made to secure votes.

men of the greatest ability. It is usually given to a leader of some minor faction of the party, or to a politician from a doubtful state which is located some distance from that of the presidential nominee. In either case it would give strength to the "ticket." Unsuccessful candidates for the presidential nomination are rarely or never chosen.

the polling of the votes, every effort being made by each party to elect its candidates. The campaign is conducted by the permanent party *committees*, or by special executive committees (§ 106), which represent the candidates particularly, if the campaign is of sufficient importance. In a presidential campaign, for example, there is a special *national executive committee* whose chairman for months directs the campaign, and whose members divide the task of persuading or convincing voters. *Money* must be obtained to pay the expenses of printing campaign *literature* and to secure the services of *speakers*, while *personal efforts* must be used to obtain the support of the "waverers" and bring all of the party's adherents to the polls. In a city the special conduct of the campaign, including the raising and distribution of funds, belongs to the city committee, and the ward committees under its charge organize clubs, hold meetings, and perform active duties on election day. In the campaigns of to-day, fortunately, less appeal is being made to prejudice and selfish interests than was formerly the practice. More attention is given to the conducting of "educational campaigns."

The time of elections.

98. Holding an Election.— Election of those public officials who are chosen by the voters usually takes place on the Tuesday after the first Monday of November. It is customary, however, to have city elections at a different time and town elections in the spring.

Registration of voters.

Before an election is held, voters are ordinarily required to *register*, showing where they reside and proving that they have a right to vote. Re-registration should be required before each important general election. This enrollment is necessary to prevent men from voting in more than one precinct, or voting district, since the officials in charge of the election usually do not have a personal acquaintance with the voters except in country precincts.

The process of voting.

A person who wishes to vote goes to the polling place which has been selected for his precinct. After proving that he has a right to vote, he receives a single large sheet,

known as the official ballot.¹ On this ballot ordinarily the names of all candidates of each party or ticket are placed in one column. Having retired into a private booth, the voter marks his choice, folds the ballot, and returns it to the proper election official. The official, not the voter, deposits the ballot in the ballot box.

When the polls are closed, the ballots are counted publicly by the judges, who then forward the ballots to a canvassing board. This board examines the returns and makes an official announcement of the number of votes cast for each candidate.² The successful candidates are duly notified and later are installed in office.

Counting
the votes.

99. The Short Ballot. — The ballot has had an interesting history during the last two or three centuries. In very early colonial times and in England until recent years, votes were given verbally. The written ballot came into use in the northern colonies in the seventeenth century and has been used universally in the United States for many years. Until about 1888, however, each party printed its own ballots for its members, open ballot boxes were used, and voters deposited their own ballots. They did not always limit themselves to one each, a misdemeanor which was known as "stuffing" the ballot box. After 1888 practically all of the states adopted the plan of printing official ballots, giving the names of the candidates of all parties. Because the number of elective officials is large and many constitutional amendments and proposed laws are included, these ballots frequently contain several hundred names and are nearly a yard square.

Develop-
ment of the
"Austral-
ian" ballot.

As it is practically impossible for even the intelligent voter to inform himself clearly on the respective merits of so

¹ Each party is allowed to have a certain number of "watchers" who make sure that the election proceedings are perfectly regular. Any voter may be "challenged" by any other voter on the ground that the former is not eligible to vote in that precinct. He must then take oath that he has a right, or he will be excluded from voting.

² It is customary to require only a plurality, that is, a larger vote than is received by any one else, not a majority, for election to public office.

Reasons for
adopting a
shorter
ballot.

many candidates, there has been in recent years a *strong movement to simplify the ballot*. Two dissimilar reasons are advocated for this change; first, that if the voter cannot vote intelligently on so many names, the party machines have too much influence in the selection of public officials, and secondly, that only those officials need be selected by the public whose work deals with public policies. Many reformers as well as short ballot advocates believe that public officials whose duties are purely administrative, that is, concerned with routine affairs or with the simple application of clearly defined laws, should be appointed by some responsible person who can judge the fitness of the applicants for that work better than it can be determined by the average voter. The short ballot has been adopted rather extensively within recent years.¹

Universal
require-
ments for
voting.

100. Who May Vote. — There are *three practically universal requirements for voters*. The first is *residence*, for no one is allowed to vote unless he is a bona fide resident of the precinct, county, and state in which he seeks to cast his ballot. The second is the *age* requirement, since all voters in each state must be at least twenty-one years of age. The third requirement is that of *citizenship*. Three quarters of the states permit only full-fledged citizens to take part in elections, although the others grant the elective franchise to aliens who have declared their intention of becoming citizens.²

¹ Some cities have adopted the short ballot and elect only members of a small council or commission, a mayor, and one or two important financial officials, all others being appointed. Especially in those cities that have the commission form of government the ballots now contain only about one quarter of the names which formerly appeared on that document. A few of our states have limited the number of elective offices and a very few counties have introduced changes of the same type. As we noted above (§ 91), the number of elective officials connected with the national government is very small.

² In the seventeenth century no one dreamed of universal manhood suffrage. In those days no American was permitted to share in the election of public officials unless he was a *Protestant who owned real estate*. In the first half of the nineteenth century, when a strong democratic movement took place, *citizenship* replaced *property qualifications for all white men* and many resident aliens were given the right to vote in addition. In 1870 the Fifteenth Amendment to the Constitution of the United States gave to *negroes the same voting rights as whites*

All *classes* on whom the right to vote is not directly conferred naturally are debarred from voting. In addition some persons in the permitted classes are also excluded legally from sharing in elections. Persons who are insane or otherwise incompetent are universally excluded, as are men convicted of some serious crime for which they have not been subsequently pardoned. Inmates of public institutions and paupers sometimes are debarred from the exercise of the elective franchise. Some states have tried to raise the intellectual standard of the voter by shutting out those who cannot read or write. A few southern states, in a rather successful attempt to exclude negroes, adopted "grandfather clauses." These clauses provided that any person who failed to meet the state requirement for voters, that is, ability to read or possession of property, should not be excluded if he or one of his ancestors had voted before 1867.

Excluded individuals or groups who otherwise would vote.

101. Woman Suffrage.—By 1919 fifteen states had adopted full woman suffrage and four had, by statute, conferred the elective franchise on women for all offices not mentioned in the state constitution. Nearly one half of the other states permit some form of partial suffrage. A resolution proposing a constitutional amendment to provide for nation-wide woman suffrage was defeated in the senate in 1919 by a single vote.

Woman suffrage at present.

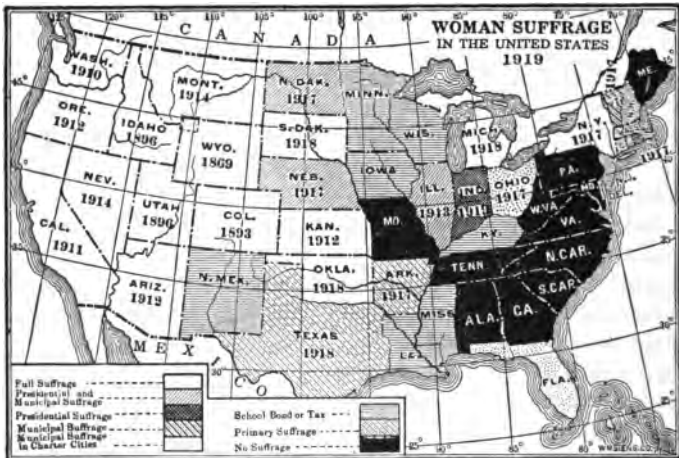
When suffrage was extended to all white men in the nineteenth century, these men very soon secured legislation which gave the common man more rights. In consequence many women demanded suffrage. At that time in some states they did secure many rights, but they did not gain the right to vote. Not until the later years of the nineteenth century did any territories and states extend the elective franchise to women. In 1910 a new movement in favor of woman suffrage started on the Pacific coast. The accompanying map shows how far this movement has extended.

History of woman suffrage.

possessed. Since 1870 there has been a demand for more discrimination in deciding who may vote. Not only have certain groups been excluded, as noted in § 100, but the elective franchise has been extended to new classes.

**The problem
of adopting
woman
suffrage.**

The woman suffrage movement is only a phase of the woman's movement in general. That woman suffrage will be extended further admits of no question whatever. This is not the place to discuss the merits of "votes for women," but two things should be considered: (1) whether women are not as vitally interested as men in the work done through our government for the individual and society, and (2) whether women's interest in public affairs makes them competent to form judgments on the merits of candidates



and of public questions. Certainly the woman of to-day has an attitude toward public problems which is radically different from that of the woman of yesterday, and the woman of to-morrow, even in the more conservative states and communities, is likely to demand and deserve a larger share in the direct work of governing this nation.

102. Problems of Elections.—Practically all of our lawmaking bodies are made up of representatives chosen for short terms from districts into which the states, counties, and cities are divided. In each case the real *basis of representation* is population, provision being made for reapportionment.

tionment of members and redivision of districts every ten years, following a national census or a special state census.¹ There is great danger that in rearranging districts the party in power will seek to "gerrymander" some districts. By "gerrymandering" they strive to arrange the districts for their own benefit in order that their party shall elect far more than its share of members to later legislative bodies.

Because of the danger of "gerrymandering," and because the majority party usually elects far more than its share of representatives, many reformers have advocated some form of *proportional representation*. It is believed that if the districts from which representatives are chosen are made sufficiently large and many representatives are chosen from each district, the smaller parties will then secure some proportion of the legislators; whereas now the small parties have no representatives and a large minority party has a very small percentage of votes. The chief obstacle to the adoption of proportional representation seems to be the strong attachment of the American people to the practice of electing from a single district one legislator who is a resident of that district.²

Proportional
representation.

103. Efforts made to Guard the Purity of Elections. — In popular governments such as ours, it is unfortunate if anything prevents the people from voting or from electing as public officials the persons whom they wish. If any set of men, by using undue influence, bribery, force, or fraud, can defeat the wishes of the people, they have to that extent injured our political system. Only a few years ago, before the reformed ballot was adopted, it was very difficult for a man to vote secretly, as partisan workers were allowed free access to the polling places and there was little difficulty in learning for which party the vote was cast. The buying of

Dangers
arising from
fraud and
bribery.

¹ It is supposed that the different districts used for the election of representatives to the same body are nearly equal in population and that they are contiguous and compact, but it is not always easy to make them so.

² For a criticism of our representative methods by a distinguished English student of American government see Bryce's *American Commonwealth*, abridged edition, pp. 143-146, 334-336.

votes, both before and at election, was very much more common than it is now. Often election officials tampered with election returns.

Corrupt
practices
acts.

Especially prominent among the means used to prevent bribery of voters are the "corrupt practices acts," which require the different candidates to file, after election, with the state secretary of state or county clerk a complete statement of all money which they have expended. Some political party committees voluntarily publish reports of their receipts and expenditures, because of the popular opposition to the abuses of an earlier day. Corrupt practices acts which do not include publicity for party finances are of little value. In fact, Congress and many states do not allow parties to receive campaign contributions from corporations, because formerly corporations in offering financial help to the parties had "a lively sense of favors to come." Congress will probably limit the amount to be spent by each national committee in any presidential election.

Checks in
elections.

104. Responsibility and Removal of Elected Officials. — All popular governments should provide adequate means not only for the full and free expression of the popular wishes in elections, but for enforcing a proper amount of responsibility among public officials. The chief dependence in times past has been on *short terms* and *frequent elections*. These have acted as a check on prolonged abuse of powers and have given the people the opportunity to replace inefficient or unworthy public servants.

Removal of
law breakers.

In the national government and in most of the states laws exist which provide for the removal of officials guilty of open *bribery* or other forms of *corruption*. That these have been applied with some slight success is shown by the removal and imprisonment of several congressmen, of legislators in a few states, and of mayors and a few other elected officials in cities that were badly governed.

Removal of
corrupt offi-
cials.

When an official *grossly betrays public interests* which have been intrusted to his charge, even though he is not guilty of law breaking, resignations are sometimes, though not often,

obtained through the pressure of public opinion. Valuable as *public sentiment* may be in enforcing responsibility — and it is undoubtedly the strongest force that can be exerted — it usually fails to prevent the continuance of the worst forms of misgovernment, unless the law covers the offense committed and the courts apply the penalty without fear or favor. Very important officials may be removed by impeachment (§§ 191, 224). A comparatively new means of forcing *elected* officials to observe wishes of their constituents is the *recall* (§ 121).

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Questions

1. Name several ways in which people coöperate in government.
2. Learn, if possible, how many primaries were held by each political party last year in your precinct. Were they well attended?
3. Outline the history of nominations and primaries. Show that each new form was more democratic than the one immediately preceding.
4. Explain the methods and importance of the direct primary. Describe the organization and procedure of a presidential nomination convention. What was the significance of the statement of prominent politicians a few years ago, that the methods used in presidential nominations were like hash, the less known of the ingredients the better?
5. Who may vote in this state? What classes of persons are expressly excluded from voting? What length of residence for voters is required in the precinct? in the county? in the state?
6. In what voting precinct do you live? Give its boundaries. Where is the usual polling place? How many votes were cast within the precinct at the last election?
7. On what day are congressmen elected? members of the state legislature? the governor of the state? the county officials? the mayor of the city? How long are the polls kept open?
8. How many states have full woman suffrage, partial woman suffrage? Why will woman suffrage undoubtedly be more general in the future than it is to-day?
9. Explain these names or terms: rotation in office, one-man power, patronage, caucus, straight ballot, elective franchise, gerrymandering, proportional representation, bribery, corrupt practices.

CHAPTER VII

OTHER MEANS OF POPULAR CONTROL

THE WORK OF THE POLITICAL PARTIES

105. The Importance of Party Activities.—The importance of the work done through the political parties must be apparent from the preceding chapter, for government in the United States means government by the people to a large extent *acting through political parties*. The electors must organize not only to nominate candidates but to secure their election, and the political party has furnished the best form of permanent organization for those persons who hold the same views on public questions or who desire to act together. It would be impossible for the American people to govern our country without some means such as political parties for developing and expressing public sentiment as well as for the great task of filling the numerous public offices. The parties have done and are now doing an inestimable service in uniting the people, in preventing state isolation and sectionalism, and in creating a spirit of harmony in the actual working relations of state and national governments—the two great divisions of our federal system (§ 66).

The political party as an organ of our government.

In order to perform its important work in connection with the selection of public officials, each party maintains a permanent organization consisting of *committees*. For the nomination of candidates it uses *direct primaries* and *conventions*. As we have already observed how primaries and conventions are composed, and what methods they use in nominating candidates (§§ 94, 95), we need consider only the party committees.

Party organization.

Composition
of political
party com-
mittees.

106. The permanent party committees are composed of representatives elected by the members of the parties for terms of two to four years. The ward committees, the city committees, and the county committees are chosen in primary elections or are appointed by local conventions made up of delegates selected chiefly for that purpose in the primaries. The members of the state committees are selected by county conventions. The *national* committees of each party consist of one member from each state, elected by the delegates from that state to the national conventions which nominate candidates for President and Vice President. *Reelection* of committeemen being the rule, the committees are more permanent bodies than our county boards or state legislatures. As these committees may hold sessions at any time, and as the local committees usually act in connection with the state and national committees, each party has an organization of considerable power and efficiency.

Executive
committees.

Just before each important election, special *executive committees* are appointed to take charge of the campaigns. These may be subcommittees of the permanent committees, or they may represent the candidates or even the leading candidate exclusively. They seldom hamper the regular committees, for political parties, as a rule, subdivide the work to be done and secure the coöperation of their different organizations in such a way as to obtain a maximum of results.

Work in con-
nection with
primaries.

107. The work of the party committees includes the calling of party conventions and the management of the conventions and election campaigns. They usually propose to the primaries lists of names, popularly known as "slates," and use every means to secure the election of these men as candidates. Conventions are frequently dominated by the committees in the same way, especially when a committee is working for itself and not for the party. During the *campaign*, both before election and on election day, the committees are very active in securing votes for the party candidates. Because of the completeness of the committee

organization, and the harmony with which the party works together, the whole system of party committees is frequently known as the "*machine*."

The task of raising money which is assigned to the campaign committees often taxes the utmost ingenuity of the party managers. Formerly, speakers and other partisan workers gave their services, expecting to be repaid by offices if the party was successful, but the gradual abandonment of the spoils system (§ 112) has compelled a change of methods. A generation ago an important source to party revenue was the enforced contributions which all officeholders were compelled to give — a custom broken up by the first attacks on the spoils system. *Revenue* to-day comes chiefly from disinterested party men of considerable public spirit, from the candidates, who expend less personally than through committees, and from men whose interests might be affected by the success of the party. Until forbidden by law (§ 103) many corporations contributed to the treasuries of one or both great parties. The legitimate *expenses* of some campaigns are enormous; the expenditure of the national committees have reached millions and occasionally have covered eight figures. Unfortunately money is used occasionally for the corruption of voters, especially in great cities with a large foreign population.

Party
finance.

108. **The Parties and Public Office.** — As public office is the chief goal of party effort, the success of our republican government depends to a great extent on (1) whether the party organizations depend on the rank and file of the party voters, and (2) whether the "*machine*" uses proper methods. If the party managers nullify the will of the party in either of the vital stages of popular *election* — the direct primary or the election — there is no longer truly popular government. Efforts have been made in recent years to make the party more truly representative of the people by passing direct primary and preferential primary laws. These place primary elections and consequently the nomination of party candidates under the direct supervision of the government, but, as no

Parties and
elective
office.

scheme is self-operating, and as organized effort is essential for success under any conditions, good government and popular government do not necessarily follow these reforms in the methods which must now be used.

Parties and
appointive
office.

An inducement even greater than that offered by elective office, because less subject to popular control, is that presented by the large number of *appointive positions*. More than 100,000 national positions are filled without consulting the National Civil Service Commission (§ 114). Fewer than 100,000 regular paid officials are elected by the voters in our states, counties, cities, and towns, and other local districts, but probably between 300,000 and 400,000 persons besides school teachers are appointed in these same governments, very many of whom are not selected solely or chiefly because of ability. Thus, at present, *patronage* running up into hundreds of millions a year is the reward not so much of the persons elected as of the power behind the throne — the machine. The immense influence wielded because of the control over so many positions, coupled with the advantages that may be derived from *expending nearly two billion dollars* a year for other purposes, has developed and maintained the machine organization. As the temptation to turn these party organizations into close corporations has, consequently, been too strong to be resisted, except in the rural districts and a few cities, the committees which were meant to serve their party have more often come to dominate it.

"Rings."

109. Bosses and Rings. — The misuse of power in controlling appointments and elections, as well as in the making of laws, is *the great danger of popular government through parties*. Organization is essential for carrying on the work of government. Success may require and usually does require that the organization be so complete that it respond quickly to the commands of its managers, as an army does to the orders of its general. If the managers form a "clique," determined to use the party organization for selfish ends, these partisan dictators form what is known as a "*ring*."

A striking instance of the enormous power that may be wielded by a ring is given by the famous Tweed Ring, which controlled the government of New York City for several years, during which more than \$100,000,000 from the city treasury was wasted or stolen.

"In a ring there is usually some one person who holds more strings in his hand than do the others. . . . His superior skill, courage, and force of will make him, as such gifts always do make their possessor, dominant among his fellows. An army led by a council seldom conquers; it must have a commander-in-chief, who settles disputes, decides in emergencies, inspires fear or attachment. The head of the ring is such a general. He dispenses places, rewards the loyal, punishes the mutinous, concocts schemes, negotiates treaties. He generally avoids publicity, preferring the substance to the pomp of power, and is all the more dangerous because he sits, like a spider, hidden in the midst of his web. He is a *boss*." ¹ Boss rule is chiefly objectionable because it represents an extreme concentration of power, with comparatively little chance of enforcing responsibility, although in the long run no boss can maintain his position in the face of popular opposition. This government by bosses and rings that really rule the officials who are supposed to govern us has very aptly been called "*invisible government*."

The "boss."

110. The Voter and Political Parties. — Every voter must decide for himself several important questions regarding his relation to the political parties. Shall he remain *independent* of all the parties, voting first with one and then with another, or shall he be a *party man*, identifying himself with one party? Will it be best for him to vote always with his party? If not, when shall he espouse the cause of his political opponents, or vote for some other candidates? Many earnest citizens believe that by holding aloof from all parties, they can be independent and vote for the best candidates without prejudice. They, of course, are debarred from

The question of independent voting.

¹ Bryce, *American Commonwealth*, 2d ed., II, 104.

taking part in the primaries of any party, as they belong to none. Some corrupt men also neglect to ally themselves with any party, but vote for the one which offers them the best inducement at a particular election.

Partisan
voters in gen-
eral and local
elections.

The majority of the voters, however, are party men, some of whom are bound to their party by the strongest of all ties, those of sentiment. Many of these men believe in the motto, "our party, right or wrong," and support it at all times and under all circumstances, even when the nominees are unfit men, acting as the tools of dishonest politicians. Most party men are undoubtedly willing to "scratch" their tickets, that is, to refuse their votes for a man whom they consider unworthy, although in most cases they will vote a "straight" ticket — supporting every candidate of their party. Among men who vote a straight ticket at national elections and even at state elections, there is a decided movement toward *voting independently in local elections*. They think that in state and national elections it is necessary to uphold the party's policy, but that, when municipal or county officials are chosen, the question of the individual fitness of the candidates is the only important thing to be considered.

THE APPOINTMENT OF PUBLIC OFFICIALS

Methods and
needs in ap-
pointment.

111. Appointments and Removals. — In none of our governments are all *officials* selected by popular vote, but the majority of the persons who hold office through appointment are *employees* rather than officials, although many who have duties of the greatest importance are appointed. A few of these appointed persons are connected with the legislative branch of the government, a larger number belong to the judiciary, but an overwhelming majority have executive or administrative duties.¹ Almost all high appointive officials

¹ The term *administrative* will be used as practically synonymous with the word *executive*, although it refers to subjects such as finance, education, or public improvement, which involve the execution of law very little but its application to a marked degree.

are chosen by the *chief executive* of the government to which the position belongs; that is, by the President, governor, or mayor, with the advice and consent of the national or state *senate* or of the city *council*. Since this *division of responsibility* frequently leads to real appointment by some member of the legislative body instead of by the chief executive, no blame can be attached for poor selections and no credit given for meritorious appointments.

Terms of appointive office are usually short or indefinite. In order that the head of each government may have a set of workers dependent on him, who will carry out his plans and policy, he or his subordinates frequently have the right to remove persons whom they appoint. *The power of removal is essential to efficient, responsible government, but its abuse opens the way to the worst features of bad government.*

Removals.

112. The Spoils System. — For more than a half century, it was the custom in the United States to change the whole corps of minor appointed officials and many of the employees whenever there was a change in the elected head of any department of government, on the principle that "to the victors belong the spoils." The places made vacant by these removals were filled by followers of the new chief, or by persons to whom he was indebted for partisan favors. This custom, popularly known as the "spoils system," gave us neither a skilled nor an efficient body of public servants, and did so much harm that a widespread demand for "civil service reform" arose.

Use and objection.

The opponents of the "spoils system," which still persists for about one third of the administrative positions in the United States, have worked earnestly for the adoption of a system in which officials should be appointed and promoted, not by reason of *political influence*, but solely on *merit*. They have maintained and proved that it is not necessary for these appointed officials to hold any particular views on political questions, but that, on the contrary, only trained and competent persons can properly perform the duties of these positions. The old system, which compelled

The need of trained public servants.

appointed officials to give contributions of money and to work during the campaign and at the polls for the heads of their departments or their partisan chiefs in order to retain their positions, has been shown to be unjust to officeholders and dangerous to a system of free elections.

National
Civil Serv-
ice Com-
mission Act
of 1883.

113. Development of Civil Service Reform. — The *civil service* of any government includes all officers under that government who are not connected with the army or navy. In other words, civil service is distinguished from military service. After President Garfield was assassinated in 1881 by a disappointed office seeker, a civil service reform act was passed by the national government in order that the personnel of the civil service should be made up of efficient public officials rather than of party followers. This law provides for a commission of three members which aids the President in the selection of subordinates, makes rules for the examination of candidates for numerous executive offices, and arranges for appointment and removal of these officials. As these offices have been arranged in classes, we apply the name "classified service" to those positions filled after competitive examination under the *Civil Service Commission*.

Important
changes
under Presi-
dents Cleve-
land, Roose-
velt, and
Taft.

At the beginning only about thirteen thousand positions were controlled by the Commission. During President Cleveland's second term it gained the right to make many more appointments in the Interior, War, Navy, and Treasury departments. This change doubled the number of positions in the classified service. President Roosevelt, himself a former national civil service commissioner, again doubled the number of offices filled by the Commission. Under President Taft the number was increased by the addition of all fourth class postmasters.

Three groups
in our na-
tional civil
service.

114. Civil Service at Present. — At the present time there are more than one half million national civil service positions. Many of these are filled by laborers and contractors who would almost of necessity be exempt from competitive examination. Of the others, something more than ten thousand (three quarters of whom are first or second or

third class postmasters) are appointed by the President with the consent of the Senate. About *seventy-five per cent of the remaining national offices are filled by the Civil Service Commission*,¹ which still consists of three members appointed by the President for an indefinite period, no more than two of whom may belong to the same political party.

Most of the government employees in the United States are connected either with the national government or with local governments. Consequently few states have made provision for appointment of *state officials* by civil service commissions. In cities also appointment after examination has been introduced slowly. However, more than *two hundred and fifty cities are now under civil service rules*, about two thirds of which are in the three states of Ohio, New York, and Massachusetts.

Civil service
reform in
states and
cities.

115. The Problem of Civil Service, Public Control, and Good Government. — In a democratic country there are at least two great problems which must be considered in connection with the appointment of public officials. The first

¹ Whenever vacancies occur or are likely to occur in any office or group of positions, examinations are held by local bodies in different cities throughout the country under the general supervision of the national Civil Service Commission. The written examination is more or less general. In addition the examining boards seek to determine the actual fitness of the candidate for the position, taking particularly into account the length and the success of his experience in similar positions. Candidates are then arranged in groups of three according to their standing. When the commission is notified that a vacancy actually occurs, it recommends to the appointing officer the three who stand highest. From these the person under whom the vacancy occurs selects one who is appointed temporarily to the position. If his work proves satisfactory for six months, the appointment is made permanent. If not, the commission sends to the appointing officer the names of the three who are next on the list and the process is repeated.

No person is removed from the classified service except for cause which is explained to him in writing. The incumbent has opportunity to defend himself and may appeal not only to officers higher up, but to Congress. There is far more danger that the classified service will be clogged with really incapable and superannuated men than that any employee will be removed unfairly. Government positions offer less incentive to ambitious workers than do private business companies, yet no private firm expects to keep all of its employees for a lifetime. In years to come there will be great danger of a superannuated civil service list because our national government makes no provision for retirement salaries or pensions when the worker has already given a lifetime of service to the public.

Need of selecting only the best men as appointive officers.

is this: *how shall the public secure such officials as it wishes to carry on the work of government, if it does not have any share in the direct selection of those officials?* It must naturally grant to some third party full power of appointment, since it cannot approve these appointments directly or remove the incumbents easily. It must make that person or group absolutely responsible for the fitness of the appointee as a public representative and as a person capable of performing the duties of the office for which he is selected.

Results, not necessarily popular methods, chiefly desirable.

The second problem is not the problem of public control but of *good government*. It may be *desirable* that the people should really be represented by all the officials in their governments; it is *necessary* that the personnel of the civil service be made up of persons capable of doing their work well. Certainly the partisan henchmen who were appointed, under the spoils system, neither represented the public nor gave us good government. Certainly also the selection of officials through competitive examination has been a fairly satisfactory *remedy for the evils of the spoils system*. It is maintained, however, often with some force, that our present civil service reform methods are impractical and do not determine fitness; that the service already is becoming clogged with persons who have outlived their usefulness, and that no chief can organize his forces into a competent, unified corps of workers which will make an efficient organization of the department as a whole. *Personality and ability to coöperate with one's fellows and with one's chief are necessary qualifications* which cannot be determined by any set of rules. The best results will never be obtained until we trust our elected executive officials, and until we depend on the judgment and integrity of all whom we elect to manage our public affairs. For good appointive officers and for good government in general we may say with J. G. Holland:

God give us men. The time demands
Strong minds, great hearts, true faith, and willing hands;
Men whom the lust of office does not kill;
Men whom the spoils of office will not buy;

Men who possess opinions and a will;
 Men who have honor; men who will not lie;

 Tall men, sun-crowned, who live above the fog
 In public duty and in private thinking.

THE INITIATIVE, REFERENDUM, AND RECALL

116. Direct Legislation; the Initiative. — Democratic government consists of much more than the selection by the public of certain elected or appointed officials to represent the people. In the making or enforcing or interpreting of laws it is sometimes difficult for even well-informed officials to know what the public wants. Very often certain high-minded officials refuse to do what the public desires because they feel that the best interests of the public demand something different from that which it wants. Far more frequently the public is misrepresented by officials who are selfish or who recognize as their masters not the public but some boss or corporation or interest. For the solution of some of these problems we have developed two forms of direct legislation, which are known as the initiative and the referendum.

Why officials cannot or do not always do as the public wishes.

"By the *initiative* is meant the right of a stated percentage of the voters, in any state or municipality, to propose both constitutional and ordinary laws, and to require that, if these be not enacted forthwith by the state or municipality legislatures, they further be submitted for ratification to the whole body of voters."¹

Definition of initiative.

The initiative in the form of a petition has existed in the United States since early colonial times. During recent years the initiative has been adopted, for the proposal of local ordinances or state laws, in a number of our states, particularly in the middle West and the extreme West. The first of these to use the initiative with the referendum was South Dakota in 1898. By 1916 eighteen of the forty-eight states, usually by constitutional amendment, had

Twentieth century progress of the initiative.

¹ Munro, *Initiative, Referendum, and Recall*, p. 1.

arranged for the use of the initiative¹ and referendum together.²

Use of the
referendum
before 1900.

117. The Referendum.—The referendum, or popular ratification of laws, has existed in some form within the United States since the Revolution. It was at first restricted to *constitutions*, with *constitutional amendments* added but little later. It is now used universally for both of those. Before 1840 it had been introduced in connection with *certain local laws passed by the state legislatures*, which became valid if approved by a specified percentage of the voters in the district to which the law applied. During the later nineteenth century the referendum was introduced for *local laws and bond elections*. This use survives and has been extended.³

Referendum
in connection
with state
laws.

The distinctively modern use of the referendum is connected with the ratification of state laws. If a state law has been proposed by initiative, and the legislature has neglected to act upon that law, a referendary vote on it is taken at the next election. On the other hand, if the legislature has passed a law which is disapproved by many people, they can on petition temporarily suspend the law and compel the government to submit it to popular vote. When people speak of the referendum, they refer to this use of it, because

¹ Comparatively few measures have been proposed through the initiative. Of these practically none have been adopted by the voters outside of the single state of Oregon.

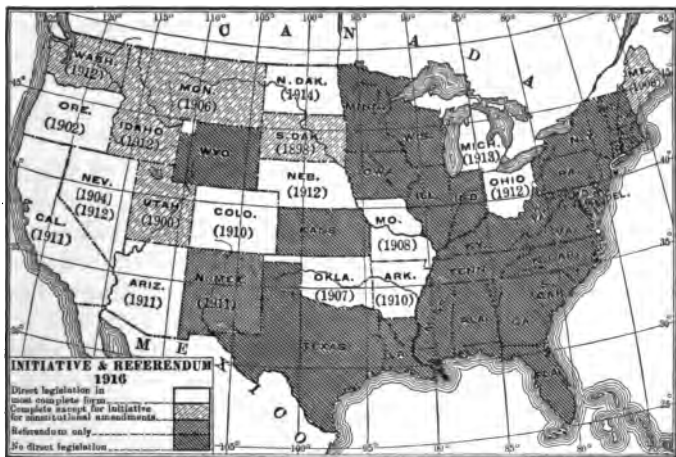
² For the proposal of state laws the initiative petition must be signed by from five to eight per cent of the voters who took part in the previous election. Constitutional amendments may be proposed by eight per cent, but sometimes fifteen per cent are required. It is difficult to secure even this small percentage over an area as large as most of our states. In the proposal of local ordinances or measures a much larger percentage of the voters is required, usually from fifteen to thirty per cent, because it is easier to get that percentage in a small community than it is to get even five per cent of the voters of an entire state.

³ The vote of a county may be necessary upon such subjects as the division into two or more counties, location of the county seat, the sale of bonds for various objects, and upon the sale of liquor. In many states cities are never incorporated without popular vote, nor are districts annexed to a city without their consent. More and more the city councils are being restricted in the appropriation or borrowing of money, unless they have first called special elections and obtained the consent of the voters.

only the modern form of the initiative and referendum deserves to be called direct legislation.

118. Use of Direct Legislation.— It is somewhat surprising that *the initiative and the modern referendum for state laws have not been used very extensively* outside of the single state of Oregon. In three fourths of the eighteen states which had the initiative and referendum before 1916, it is safe to say that not more than a dozen measures which were

**Limited use
of direct legis-
lation.**



submitted were approved by the people. In Oregon, on the contrary, from the very beginning the initiative and the referendum have been used extensively.¹

In general we notice that the referendary vote which is given upon any measure is ordinarily much smaller than the vote at the same election for officials such as governor and members of the state legislature. This does not necessarily show a lack of interest in the proposed law by the voters; but it may indicate the difficulties encountered by

Comparatively small votes in direct legislation.

¹ In 1910, for example, the number of measures submitted to the people of Oregon was thirty-two, of which, however, only nine were adopted. In some other Oregon elections about two thirds of the measures submitted have been approved by the voters.

the voter in forming an opinion on the merits of the proposed law.

The Referendum as a check on the people.

119. Advantages of Direct Legislation. — The indirect influence of *the referendum* can be estimated only imperfectly, but it has certainly acted as a *serious check upon constitutional conventions and legislatures*. Moreover, *it has educated the people* concerning the nature of our political institutions, because they are more interested in those things in which they take part. When used for local affairs, *it guarantees local autonomy* under general state laws which insure a certain necessary degree of uniformity. So long as it acts in this way as a conservative force, dealing solely with matters of importance, it possesses a marked value for both the people and the government.

The use of the referendum in finance.

Where it takes the final decision on matters of finance out of the hands of county boards, city councils, or boards of public works, *it prevents official corruption*, which was common a few years ago. If the granting of franchises is always subject to popular vote, there is less danger that corporations can influence the government to their own advantage. Until we reach that desirable condition where not even a fair proportion of our representatives "have their price," direct popular participation in the affairs of the government, whether for city finance or senatorial elections, will be sought as the great remedy for political ills.

Good influence of the initiative.

The initiative gives opportunity to force legislative assemblies to respect public wishes, for it may demand a popular vote on the subject presented. The existence of a means to pass laws without consulting the legislature makes that body chary of ignoring bills which are likely to become statutes through the initiative and the referendum. To protect its own powers and preserve its dignity, the legislature itself is therefore likely to approve bills which the people desire. For this reason it may become a more representative organization.

120. Defects of Direct Legislation. — There is a vast difference between the referendum and initiative as *popular*

checks upon the government and as means of *actual legislation*. The business of government, like any other business, requires full knowledge, thorough training, and wise experience. As we noted above, American government has been preëminently republican in character, that is, *government through representatives*. The representatives should be selected because of their fitness for the duties that they are asked to perform. If this is not done, the law will lose in unity and in character just in proportion as it becomes popular.

Direct legislation vs. representative government.

There are certain features of lawmaking which every adult ought to understand, but to expect that each voter is fitted properly to perform the duties of lawmaking is more than unreasonable, it is ridiculous. The original drafts of practically all laws, even when made by experts, are more or less defective. *Discussion of proposed legislation* in two branches of a legislature tends to remove some of these defects. In direct legislation the laws have none of these advantages and are likely to be drawn up poorly and therefore exceedingly unsatisfactory in form. Moreover, at every election many who vote on officials neglect to vote on laws or constitutional amendments submitted for popular ratification.

Advantages of legislation by competent legislators.

When the functions of government are assumed by the people, and less dependence is placed upon the legislatures, less care is taken also to secure suitable persons to make the laws. The truth of this statement is shown in the composition of our state legislatures and our city councils, both of which have been shorn of many powers in the last half century. An extension of direct legislation will aggravate these serious evils (§ 194). Instead of making our legislative bodies more directly responsible, *we are reducing responsibility* for legislatures through the initiative and the referendum.

How direct legislation injures the legislature and decreases responsibility.

121. The Recall. — The recall is the right of any group of voters to remove any elected official from office before the expiration of his term. When any official fails in the opinion of his constituents to carry out their wishes in the making

Nature and use of the recall.

of laws or in the administration of government, some right of removal is necessary if they are to be properly represented.¹ The recall was used first in connection with local offices, but by 1916 it had been adopted in seven states of the extreme West and in three other states for most state and local offices. In four of these, however, it does not apply to judges.²

The recall is a very effective, although rather dangerous, instrument for securing responsibility of elected officials. By the use of the recall it is possible to have longer terms for elected officers, without the officials getting out of touch with the people. It may, therefore, help us to keep democratic government without depending on objectionable short terms. On the other hand, there is danger that an elected official through fear of removal might become a delegate rather than a responsible representative of the people. It would be far better to allow a representative to use his own judgment than to have his own will and opinions dominated by his constituents.

The dangers of the recall have been particularly emphasized in connection with the judiciary, which we wish to keep independent not only of legislatures and executives but of popular pressure as well. Not only have several states which have adopted the recall exempted all judges from its operation, but its use has been limited by the fear that judges may be dominated by the people.³ It has been sug-

Advantages
and disad-
vantages of
the recall.

Recall of
judges and
judicial deci-
sions.

¹ Before the adoption of the recall, provision was made in state and national constitutions, or in supplementary laws, for the removal of important civil officers by impeachment and the expulsion of members of legislatures by the body to which they belonged.

² If the people wish to institute recall proceedings, a certain percentage of the voters in the district from which the unsatisfactory official was elected ask for a new election in which the incumbent must compete on equal terms with other candidates for his position. Unless some other candidate receives a higher vote than the incumbent, he retains the place for the remainder of the term for which he was elected originally.

³ President Taft refused to let Arizona enter the Union until the prospective state had removed from her state constitution the provision by which judges might be recalled. At that time Theodore Roosevelt suggested the recall of judicial decisions. The recall of judicial decisions, however, has been adopted by only one state, and is evidently not the solution of the problem.

gested that the people should have the right to recall, not the judge, but any specific judicial decision.

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Questions

1. Has a political party control of this state? of this city? What proportion of state legislators belong to each party? How long since the present minority party had control of your state? Do a fair proportion of the voters of your locality vote independently in local elections?
2. Explain the organization of a political party in your state. Show how money is raised for party expenses. Do any of the party leaders receive a salary? Should they not be compensated in some way? How?
3. Give three objections to the spoils system. State where it is used at present.
4. Give briefly the history of civil service reform. To what extent is it used by the national government? in cities? What problems have not been solved by competitive examinations? Why is good government more important than popular government?
5. What abuses and failures led to the use of direct legislation? What is the difference between the referendum adopted in recent years and that first used in the last century? Explain advantages and disadvantages of direct legislation.
6. Compare the recall of judges and official decisions as means of (1) carrying out the popular will, (2) improving our governments, (3) maintaining the independence of the judiciary.
7. Define or explain these terms: machine, spellbinding, slate, boss, ring, graft, initiative, referendum, recall.

CHAPTER VIII

CIVIL LIBERTY AND PUBLIC WELFARE

122. Individual Rights and Social Progress. — The theory that he creates his own government is of little value to the citizen, if in fact he does not. The fact that he actually does create and control his government is of no more value to him if that government fails to perform the two purposes for which it was created, namely, (1) *the protection of society and the promotion of general welfare*, and (2) *the safeguarding of the rights of individual citizens*. It is necessary that government do *both* of these things; for it does not safeguard the real rights of its individual citizens or care for their best interests unless it does what is best also for society in general, nor can its work properly protect the people collectively if it sacrifices their rights individually. We can see this clearly if we examine more fully each group or class of individual rights.

How general welfare and individual liberty are inseparable.

We have already noticed in the first chapter of this book that individual rights are of many kinds; for example, (1) protection against arbitrary action on the part of the government, (2) protection against other individuals who may injure us intentionally or unconsciously, (3) protection against dangers which arise from the rights of others, or from persons of wealth and influence with whom we have dealings, and (4) the safeguarding of opportunities such as good homes, sanitary surroundings, and a chance for a good education.

Classes of rights.

Civil liberty includes all of the *individual rights* which we have under or against our governments. *Political liberty* includes all *privileges* which are enjoyed by a citizen who shares in the work of government. With very good reason we believe that democracy and liberty are closely connected,

Close connection between civil and political liberty.

for world history is filled with examples of arbitrary rulers who oppressed their unfortunate subjects. It is not necessarily true, however, that a popular government best protects a people from dangers or safeguards their opportunities. *It all depends on whether popular government is the best government.*¹

OUR AMERICAN BILLS OF RIGHTS

Bills of rights in English and American history.

123. Constitutional Protection through Bills of Rights. — In past centuries, when kings ruled arbitrarily and royal governors disregarded the wishes of the people, it was necessary for the people to protect themselves by laws and documents such as Magna Carta (1215), the Petition of Right (1628), the English Bill of Rights (1689), and the bills of rights in our first state constitutions. The bills of rights in our national and state constitutions at present are survivals of the old form of civil liberty; that is, *protection of the individual against the tyranny of the government or of any government official*. Although we rarely suffer from arbitrary interference by our governments, it is still essential that we have constitutional provisions which, if necessary, guarantee to us as individuals protection from our rulers.

The national bill of rights.

When the Constitution of the United States was drawn up in 1787, no provision was made for a national bill of rights, but several states refused to ratify the Constitution until their leaders promised to propose constitutional amendments which would provide such a bill of rights. These national guarantees of liberty which are contained in the first ten amendments protect us, however, only *against national officials*, not against officials of the state and local governments.

Need of state bills of rights to-day.

Protection against state officials comes chiefly from the bills of rights in our *state* constitutions. We can realize the importance of these state bills if we understand that under

¹ Nearly a century ago, a very ardent admirer of American institutions, an acute observer named De Tocqueville, warned us against the danger to the minority of *the tyranny of the majority*.

our federal system of government (§ 66) the state and local governments make and execute almost all of the laws that concern our everyday affairs. We can appreciate, therefore, the need of having state bills of rights which guarantee to the individual freedom from interference in his home, his religion, and his business.

124. Freedom of Speech, Press, and Petition.—It is difficult for a twentieth century American to realize how many



Courtesy of The Literary Digest.

CENSORSHIP OF AN AMERICAN MAGAZINE IN RUSSIA.

people in the past and even in the present, when they have been treated unjustly, have been denied by their governments the right to ask for a redress of grievances. It would seem as though any government, however arbitrary, would at least confer upon its people this power of petition as a privilege, if not as a right. Yet students of history recall that one of

**Right to
petition for a
redress of
grievances.**

the most important of the English revolutions, that of 1688, was started when King James II and his courts denied to certain bishops the right of petition.

Why there can be no real liberty without freedom of speech and the press.

It would be a misnomer to call our country "the land of the free" if a person were liable to arrest and imprisonment for speaking his thoughts.¹ Certainly no liberty is possible unless *freedom of speech* is granted. There is no greater difference between democratic America and the arbitrarily ruled monarchies of central and eastern Europe than this freedom to speak one's opinion on all subjects, including the right to criticize our government and its policies. *Freedom of the press* is almost as necessary for a self-governing people.² If our newspapers cannot give the facts of anything that takes place in business or society or government without being punished for their audacity, we should soon lose any semblance of real self-government.³

Development of religious toleration and liberty.

125. Freedom of Thought.—Freedom of speech and the press are only two of many evidences of freedom of thought. The right to one's own beliefs is possibly the most precious heritage of English-speaking peoples. In past ages this right has been denied by kings and by churches which controlled the government. In other words, it has been exercised chiefly in the realm of religion.⁴ In prac-

¹ By "act of Congress the right of freedom of speech does not extend to anarchistic utterances, or speeches or writings aimed against order, the established government, and inciting to assassination or crime."—Stimson, *Popular Law Making*, pp. 301-302.

² In practically all of the states the constitutions assert that persons who seek in speech or in public print to injure the reputation of others shall be liable to punishment. State laws specify that in a suit for *libel* the truth may be introduced for evidence and that malicious intent on the part of the speaker or writer must be proved.

³ In past centuries the few newspapers published were either controlled or severely censored by the government. In Europe to-day censors regulate very definitely what shall and what shall not be published by the press. In America the government does not interfere with the freedom of the press and suppress news which would be unpleasant to public officials; on the contrary we tend to err on the other side.

⁴ Centuries ago there was absolute uniformity in the religious beliefs held by all persons throughout western Europe. Then came the rise of nationalities and the demand on the part of each nation to decide its religious beliefs for itself. Although there were more beliefs after the Reformation, there was not

tically all of the American colonies there were state churches and in only a few was there even toleration for other religious faiths. During the Revolutionary War or soon after, however, the state churches were abolished and *religious liberty* was established throughout the United States.

It is eminently fitting that in this country, where religious freedom was permitted when religious persecution existed everywhere else in the world, our state bills of rights should provide for the fullest liberty in religious matters. No state allows its governments to dictate to any one what church he shall attend or compels him to contribute to the support of any church, the establishment of state churches being everywhere forbidden. No person is disqualified from holding office or exercising civil rights because of his religious views, although a few of the older states make belief in the Deity a prerequisite for holding certain offices. Nevertheless, socially dangerous practices such as polygamy are punished as crimes even when permitted or sanctioned by a religious sect.

Religious
liberty in
America
to-day.

126. Constitutional Rights of a Person Accused of Crime.

— In one sense an even more fundamental form of personal freedom is the right to life. Since the public wishes to protect itself from wrongdoers, it is in the habit of punishing them by imprisonment or death. In order that an innocent person may not be unfairly subjected to these punishments proposed for offenders, all American state bills of rights provide many safeguards for a person accused of crime.

General
provisions.

No accused person may be tried secretly or without proper opportunity to present his witnesses for defense. *His trial must be held as soon as possible in open court, and before a jury of his peers or equals.* He may not even be held for trial unless a written charge has been filed against him.

Specific
safeguards

more *religious toleration* or liberty, since each state had its own state church to which every one must conform. Gradually in Holland and in some other countries others besides members of the state church were tolerated. Not until Roger Williams, in the little colony of Rhode Island, refrained from establishing a state church was there *religious liberty*.

Except for crimes punishable by death, the accused has the opportunity of offering bail, which is forfeited if he fails to appear on the day appointed. He is not required to testify against himself and cannot be punished if a single jurymen believes him innocent. If he has been acquitted, he may not be tried again on the same charge, nor, if convicted, may he be subjected to unusual fines or punishment. In fact, not only the constitutional safeguards for persons accused of crime, but our whole system of administration of justice (§136), protects accused persons so well that many undoubtedly guilty men escape and society is therefore inadequately protected.

SAFEGUARDING OF MODERN SOCIAL RIGHTS

Why our bills of rights do not cover all rights which need protection.

127. Freedom of Action. — Experience of more than a century with the bills of rights in our national and state constitutions has convinced us quite thoroughly that they have safeguarded the citizen against such arbitrary government as existed in England several centuries ago and in some of the American colonies before the Revolutionary War. Our modern governments, however, are radically different from those of preceding centuries. Modern conditions also have changed in a great many respects. In case of emergency we still need protection from military government. We still find that freedom of speech is suppressed in the streets by the police, we still find occasionally that an innocent person accused of crime is punished; but these limitations of civil rights are few in number compared with the limitations on citizens as workers and active members of society to-day.

Protection of workers against ignorance and the "coercion of economic forces."

In modern America, fortunately, neither law nor custom prevents a citizen from living where he pleases and engaging in an occupation in which he may earn a living, but these rights may be denied unless our governments really and actually care for the citizens who labor. For example, a government must protect its citizens as far as possible from

bondage due to the "coercion of economic forces." This phrase may be made clearer by some illustrations. In ancient times slavery existed, one man being owned by another. As slavery is no longer legal, our government must see that in the business world one man or group of men cannot dominate the actions of others to such an extent that members of the second group have no real control over the places in which they live, the kind of work which they do, and the remuneration which they receive. In the South even in recent years there have been instances of peonage in which the liberty of the individual has been limited in all of these respects. In some of our cities in which there are three unskilled applicants for every ordinary vacancy, there is danger that similar conditions may develop. These instances show us that interference with liberty of action is caused largely by the ignorance, poverty, or lack of skill of workers, and by the poor distribution of labor. Our governments should help to remove these causes.

128. Rights of Workers and of Women.—*Except the right to live, no individual right is greater than the right to work.* No society is more unjust than that which denies to a willing worker the right to earn a living for himself and for those dependent upon him. To earn a living means more than to work under unfavorable conditions. It means at least the opportunity to earn a living wage, a wage with which a girl away from home can maintain a good standard of living, a wage by which a head of a family can provide food, clothing, and shelter, as well as some additional necessities or comforts, for himself, his wife, and his children. These might seem like commonplaces, yet, when we come to study labor conditions in a later chapter we shall find that these rights have been denied to many men, women, and children.¹

Right to at least a living wage.

Years ago we believed that one of the most important duties of government was to guarantee absolute *freedom in the making of contracts*. We still believe this, but it means

¹ On unfair conditions and proposed remedies see Chapter XV.

How the public should guarantee freedom of contract.

more to us now than it did then. It means that in the making of a contract between two parties, one of whom is richer, more powerful, or more influential than the other, the public should see that the weaker party gets a square deal. In other words, the right to make a contract includes not only apparent voluntary action on the part of both parties, but comparative equality of the two parties so that the contract made is fair and just.¹

Property rights of married women.

In the past, a married woman had no separate legal existence aside from her husband. Consequently her property became his property on her marriage, and could be invested, spent, or wasted by him if he desired. His control was absolute. This unjust condition of affairs is passing away, although it still exists in some American states and in many foreign countries. To-day many of our states provide that a married woman shall not only keep as *separate property* the wealth which she had before marriage or inherited after marriage, but that she shall have a legal right to one half of the *community property* acquired by her husband or herself after marriage. In those states a married woman has ceased, legally, to be a subject even if she has not the right to vote. In doing these things for workingmen and for married women, society is trying to develop itself through the protection of their property rights.

129. Safeguarding of Savings and Homesteads. — Practically all states have very stringent laws for regulating *savings banks*. The chief object of these laws is the protection of the savings of the poorer classes. Since the investigation of life insurance frauds and scandals under the su-

¹ We now recognize labor organization and collective bargaining as two of the most effective and desirable methods by which the laborer who is normally at a disadvantage in making a contract with his employer is enabled to gain a fair share in return for his toil. See Chapter XV.

Our governments have really done quite a little in their effort to protect the wages of the laborers. In most states there are laws providing for *mechanic liens*. That is, if a mechanic works on a piece of property, his wages must be paid or the amount of his wages become a first lien on the property. By this means provision is made for the payment of wages before the payment of any other of the cost of improvements or production.

pervision of Charles E. Hughes in New York City in 1905, the public has regulated *other forms of savings* institutions, such as life insurance companies, trust companies, building and loan associations, and other financial organizations, which grant protection or insurance to small wage earners in return for small payments made at regular intervals.¹

Regulations for savings banks, insurance companies, and other agencies for investment.

According to an old adage a man's home was his castle. In modern society it is far more. When the common man began to make his own laws, he first abolished imprisonment for debt, he next arranged for protection of his home. Almost everywhere in America provision has been made that, when a debtor becomes insolvent, his homestead shall not be taken in payment of his debts. This is intended to safeguard the home of the worker rather than the home of the wealthy because laws in almost every state specify the maximum size of a homestead subject to exemption.

Homestead exemption.

130. Protection of Health and Life. — Modern society is interpreting liberally the famous phrase of the Declaration of Independence that men are entitled to "life, liberty, and the pursuit of happiness." We have already noted (§ 8) and shall note again (§ 255) that life to-day does not mean simply exemption from punishment by death, but means the direct and positive protection of health in many ways. We believe that *we are yet in the beginning of a great movement for the better safeguarding of public and individual health*, protected by the suppression of epidemics and numerous measures for sanitation, as well as by better building laws, more hours of leisure for children, larger playgrounds, and more attractive parks.² In recent times more care is being taken also to reduce in industry the dangers to life and health.

Preservation of public health.

¹ Blue sky laws regulating land and loan investment companies are among the later means of protecting small investors. Government regulation of stock exchanges, watering of stock by corporations, and other forms of high finance have been suggested and adopted by a few states.

² See Chapter XIV.

Safeguarding the public as well as persons accused of crime.

The *individual* is protected in court by our bills of rights. In order to protect *society* better we are searching for other means to reduce crime, to apprehend offenders more easily so that fewer of the guilty will escape, to shorten the long and expensive trials of notorious criminals, to devise saner methods for the punishment of offenders. By these means we hope to lessen the number of crimes and to protect the persons as well as the lives of those who might be injured by criminals.

Protection of social rather than individual rights.

131. The New Social Constitution. — In recent years we have modified in a good many respects our interpretation of constitutions and statutes which deal with the subject of liberty. We have changed to the point of view that society must be protected first. *If we find that an old individual right conflicts with a new, more important social right, we insist that the latter shall be protected, not the former.* For example, the right of an adult freely to make a contract is one of the most important of the old rights. Yet in recent years the right of the public for its own good to protect the health of a woman worker has been upheld by our highest courts even though the eight, nine, and ten hour laws which thus protect these workers limit their right to make contracts freely. It is interesting to notice that this new social constitution has been built up largely by the desire of the public to protect the health of its citizens, particularly those who are workers in industries.

Definition of, and reasons for, the new social constitution.

It might be said that *the new social constitution consists of those constitutional provisions, statutes, and court decisions whose primary object is the protection of the public through the safeguarding of the health and the lives of its members and the promotion of their best general welfare.* This does not suspend the bills of individual rights; it supplements them by protecting the individual in other ways. Since modern industry and modern society are more complex than in former times, the worker, the consumer, and the producer have many new relations to one another. Out of these relations grow many new social rights which our constitutions

and older laws do not recognize. These rights are protected only when society looks after itself as a whole rather than after its individual members.¹

ADMINISTRATION OF JUSTICE

132. Our System of Courts. — The branch of our government to which is intrusted the protection of individual rights is the judicial department. It is to the courts also quite as much as to the legislatures that we look for the definition and protection of those general and rather indefinite rights which we have under the new social constitution. Whereas in many foreign countries accused persons have been tried by a bench of judges who have assumed the guilt of the prisoner until his innocence has been proved in court, in America not only is every opportunity given the accused to prove his innocence (§ 126), but his innocence is actually, as well as legally, assumed until his guilt has been proved.

Humane attitude of our courts toward accused persons.

Almost all cases involving crime are tried in state courts,² since criminal law is a part of the state sphere of action (§ 199), not a part of the national sphere.³ Minor cases are tried in the lowest state courts, but ordinary offenses are

Opportunities of accused persons to defend themselves.

¹ To protect these new social rights it is necessary to modify at least three older forms of law or of governmental activities. The three which are especially affected by the modern demands are: old ideas of what is *property*, old ideas of freedom of contract, and old ideas of the *police power* exercised by the states. (1) Under the older constitutions and laws property of *corporations* as well as persons was safeguarded in every possible way. We are now taking the view that property is a social right, not a divine right (§ 144). It has therefore social obligations and limitations, especially if held by corporations which enjoy numerous and valuable social privileges (§ 146). Whereas formerly society was not allowed to protect workers because the protection interfered somewhat with the returns or dividends of property, now property must yield to the needs of society. (2) As explained above (§ 128) the right to make contracts freely is held to be subject to the right of society to modify that right either for its own benefit or because of the need of the worker. (3) The changes just enumerated are brought about partly by a modification of the police power of the states.

² Most cases tried in our courts are, of course, civil cases.

³ For a fuller description of the system of state courts see § 198. The national courts are described in another place (§§ 237-241).

decided in county courts or even higher tribunals. If a person is declared innocent, he may not be tried again. If no decision is reached as to his guilt, no new trial ordinarily takes place. If convicted, a new trial may be ordered or the verdict may be reversed by appeal to the next highest state court.

Importance
of the jury
in English
and Ameri-
can history.

133. Use of the Jury System.—The credit for maintaining so satisfactorily the rights of individuals before the law in England and America belongs, to a very great extent, to the jury system. When popular participation in the work of the government was much less common than at present, when judges could not possibly be influenced directly by the wishes of the people, and when the principal characteristic of the criminal laws was their harshness, the right of jury trial was almost the sole source of justice for the common people. With the changed conditions of the present, it is no longer the one thing indispensable to the oppressed, but its extensive use bears witness that its value is not purely historic.

Juries and
jurymen.

Although there are two kinds of investigating juries, either grand juries¹ or coroner's juries, and two types of trial juries, which may be either petit, ordinary juries, or police juries,² we are speaking of the petit jury when we refer to the jury system. Only citizens are allowed to sit on juries. On account of the inconveniences of jury service, practically all professional men are exempt by law from jury duty, and, on account of the annoyance caused by being taken from their business, most other prominent men shirk jury duty as far as possible.

Use of the
jury in crim-
inal cases.

In *criminal cases* the defendant may not only demand a jury trial, but, even in trying persons for misdemeanors, or

¹ A grand jury is composed of from twelve to twenty-three men. It holds secret sessions either for the purpose of investigating the causes of crimes which have been committed, bringing indictments against those whom they believe guilty, or in order to investigate the conditions of departments of government and their expenditures of money.

² A police jury usually consists of six men. It is used to determine the guilt or innocence of persons accused of committing misdemeanors, *i.e.* minor offenses in contradistinction to felonies, or serious offenses.

minor crimes, it is customary to have juries, while in cases where the crime amounts to a felony, the guilt of the accused is always determined by a jury.¹

134. Advantages of Jury Trial. — Juries are an advantage to the accused and to the jurymen. To the former, because the facts connected with his guilt and innocence are viewed from the standpoint of common sense rather than of law. The jury disregards technicalities, but places the emphasis upon the right or wrong involved. It takes into account the circumstances, the motive, and the consequences, so that, if it errs at all, it errs on the side of leniency.

Advantage
to accused.

To the citizen, the jury gives opportunity for civic education. It brings him into touch with the work of administering the law, and makes him part of it; and, in so doing, gives him clearer conceptions of legal rights and methods, and fits him to exercise his duties as a citizen with greater knowledge and to better purpose.

Benefits to
jurymen.

135. The Disadvantages of Jury Trial. — The main question is whether these advantages are worth what they cost, whether they apply to all forms of jury trial, and whether they are not, after all, but partially secured on account of the numerous exemptions from jury duty. Certain it is that the exemption of professional men, and the frequent refusals of attorneys to accept as jurymen those who have formed opinions regarding the case to be tried, have given rise to a popular belief that only the ignorant are desired as jurors — a belief not well founded in most localities. In any civil case involving knotty problems of law, the ordinary juror is almost of necessity incompetent to render a just decision, while in a lawsuit or criminal case where a strong appeal can be made to the emotions or to prejudice, the jury is likely to be unduly influenced in its

Abuses and
defects.

¹ Although jury trial may be waived with the consent of both parties in suits at law, and although certain suits which deal with complicated matters are tried without juries in courts of *equity*, nevertheless the decision in the great majority of important *civil suits*, still rests with juries composed of citizens, because the civil suits at law greatly outnumber cases in equity.

verdict. The fact that a lawyer who has a weak case almost invariably asks for a jury trial is an indication that the jury errs often on the side of leniency. In short, unrepresentative of the communities as our juries must be under present conditions, they often defeat the ends of justice, in civil suits, through their ignorance, and, in criminal cases, through their prejudice.

General defects of our judicial system.

136. Failures in the Administration of American Justice. — From this brief study of our courts and jury system, we can see that there are numerous dangers and defects in the methods which we use for the administration of justice. Although the general principles underlying our judicial system are the most perfect in the world, in practice our courts are frequently slow, expensive, exceedingly technical, and often incapable of protecting the public properly.

Delays and heavy expenses in criminal trials.

Centuries ago it was often impossible for a person accused of a crime to secure justice because he could not be brought to trial. This was remedied in part by means of the writ of *habeas corpus*, which compelled the court to investigate the charge and determine whether the prisoner should be held for trial. It was remedied further by provisions in constitutions which compelled the court to try his case as soon as possible. American trials, however, are often unnecessarily long and disagreeable, and have been known to cost the public several hundred thousand dollars. Appeals are not decided quickly, chiefly because our appellate courts have too much to do.

Need of fewer technicalities and better justice for the poor man.

If we simplify our laws and the methods used in the trial of cases, if we get rid of a large number of *technicalities* by means of which cases are delayed and justice is denied, we shall make the administration of justice surer as well as quicker.¹ Still further changes in our judicial procedure should be made to give all parties true equality before the law. It is obvious that in many courts there is one law for

¹ In some states technicalities are no longer allowed to interfere with the real administration of justice.

the poor man, and another for the person of wealth and influence.¹ Undoubtedly those who have little money are often treated unjustly because they cannot afford a long expensive lawsuit. This will be remedied in part, if cases are decided more promptly. Furthermore, if the courts are taken entirely out of politics, the politicians who get temporary control of our government and the big business which in turn may control the politicians will not dispense justice in their own way.

137. The Necessity for an Upright Judiciary in a Republic.

— In any country whose political institutions are popular, there is need of an able and upright judiciary. In America where our governments are organized and our laws are made under written constitutions, the judiciary is far more important than in any other country. The judges have the "last word" not only on the laws which they are asked to interpret, but upon the constitutions as well. That is, in deciding a case brought to their attention, our judges must not only decide the case itself upon its merits but must decide if necessary whether the law is in accordance with the constitution, and it must therefore interpret or declare the intent and nature of the constitution itself.

Character of
judicial
duties.

As our judges must not only explain the meaning of the laws but of the constitutions, if they are corrupt or are subservient to any particular interest or set of persons, justice will be "sold, delayed, and denied," and the fundamental rights of freemen will be refused to us. An ignorant or prejudiced judge is but little less dangerous to the public welfare and to individual security than a corrupt justice, and every possible precaution must be taken to secure men of ability and judicial temperament as well as of integrity. When, as is the case in most of the states, the salaries paid the highest judges are but a tithe of the income of prominent lawyers, the honor of holding the position must be made the chief

Need of
knowledge,
character,
and judicial
tempera-
ment.

¹ The public will be better protected if the public, rather than the interested parties, furnish all the technical and expert testimony, for any wealthy client can purchase such testimony if he pays a high enough price.

attraction to jurists of ability. If we elect as judges men of inferior standing, men whose business is politics rather than law, or men who seek places on the bench through dishonorable means and who use them for personal or partisan ends, we must expect a judiciary that does not command respect, and which, in the long run, will defeat the popular will and bring our free institutions into disrepute.

PUNISHMENT OF OFFENDERS

Why the obeying of laws by the public is more important than enforcement by the police.

138. The Enforcement of Law. — The administration of justice is connected closely with that most fundamental of governmental functions — the preservation of order. Yet this is a task which rests upon the *general public* rather than upon the peace officers who enforce the laws. It is quite essential that our laws should *define clearly crimes* which may be committed by individuals against society; it is necessary that suitable, yet severe, *penalties be designated* for each offense; it is indispensable that *offenders should be arrested and convicted* for their crimes; yet these laws and methods will fail without the public sentiment which will discourage and condemn law breaking, which will support our criminal laws and their enforcement without question or hesitation. The *influence of public opinion* on this subject can be seen if we compare the attitude of different communities toward any law. A law to which the people of any district or city object is disregarded with impunity, although that community may be noted in general as law-abiding.

Importance of adequate police protection in cities.

It is usually a matter of pride that laws should be enforced and order kept within a locality, since the states do not maintain a state police but leave the protection of life and property to local officers. In congested districts, such as cities, it is easier for crimes and criminals to escape detection. In addition *city police officers* must enforce a multitude of ordinances, such as the removal of certain obstructions, the abatement of nuisances, the enforcement of excise laws,

and the regulation of traffic. In every city, therefore, a large number of policemen is necessary, increased geometrically as the population increases arithmetically.¹

139. Punishment of Adult Criminals. — In ancient and medieval times the treatment of the criminal was exceedingly barbarous, death by ordinary means being considered too mild a method of punishment.² As the world began to realize that severe and arbitrary methods increased rather than diminished crime, greater attention was paid to reforming the criminal, while schools for the care of neglected children and youthful offenders sprang up on every side.

Punishment
of crime in
the past.

¹ City police forces are usually organized on a semi-military basis under a chief of police, with captains and lieutenants in the different police precincts into which the larger cities are divided. A police board usually makes rules for the department, and has at least nominal power of appointment, often requiring physical and other tests of the patrolmen. Each county has a sheriff who is aided by several deputies. There are usually in addition township constables, who serve warrants and arrest offenders. In rural communities these duties are not often arduous, unless public sentiment is on the side of the law breakers.

In times of special danger the ordinary police is supplemented by *posses* of citizens summoned by the *county sheriffs* to help them put down rioting or insurrection. If disorder is widespread, the *state militia* may be called out by the state governor, and the regular troops may even be sent to the scene of disorder by the President, if the violence interferes with the mails or interstate commerce. If these means fail and notorious offenders are acquitted in the courts, there is danger that ordinary lawlessness or even lynching may result.

² Crucifixion was a common means of executing a Roman criminal. Different forms of torture such as breaking a man on the wheel, and almost as cruel methods of punishing minor offenders, were in common use on the continent of Europe until a little more than a century ago. In England torture was never used commonly, but, in the England of the eighteenth century, more than two hundred offenses, many of them of a minor nature, were punishable by death. In colonial times imprisonment was almost unknown, death being the penalty for the most serious offenses, and some species of public torture, such as the stocks or the whipping post, being used for minor crimes. During the early national period there were prisons for the incarceration of criminals; but these were always of the worst description, the prisoners being herded together irrespective of age, offense, and other conditions, while often the prisons were nothing but cellars or mines. The gradual introduction of state prisons and more enlightened public interest did away with the worst of these evils.

Even as late as the beginning of the twentieth century in some states no prisons, state or local, were provided for the permanent retention of law breakers, and the labor of the convicts was sold to contractors who took entire charge of them, often giving them the poorest food and treating them with barbarity. The usual results were all that even a system of punishment should not include, and the only attempted justification of the disgraceful system was the annual sum paid for the services of the convicts.

State prisons
to-day.

To-day *state prisons* are reserved for the worst classes of criminals sentenced by the courts, the persons convicted of minor offenses being confined in penitentiaries or in local jails. The methods used in the prisons vary greatly, but the discipline is of necessity fairly rigid. Ordinarily employment is provided, chiefly for the purpose of keeping the prisoners occupied, but partially to help pay the expenses of the prisons. A premium is placed upon good behavior by reducing the length of the sentences from ten to thirty per cent for satisfactory conduct.

Local penal
institutions.

When a person is sentenced for a short time, he is usually sent to a *county penitentiary*, of which there are a great number. If awaiting trial, or held as witness without bail, he is confined in the penitentiary or in some *local jail*. No work is provided in most instances except possibly on a *chain gang*, neither is there any classification of prisoners according to age or crime. As all are thrown together, and idleness prevails, local prisons cannot be said to be effective in the prevention of crime.

Use of
shorter terms
of imprison-
ment and
better prison
teaching.

140. Prison Reform. — Since John Howard and Elizabeth Fry, very little more than a century ago, began their notable work for the reform of England's prisons, we have been trying to work out more sensible methods of treating crime. As the modern aim is to protect society and to reform the criminal, we have abandoned torture in practically all cases, and the death penalty except for the most serious offenders. In fact, in eight states capital punishment has been abolished. Many have questioned whether the imprisonment of an offender with similar criminals for a long period of years is the best means by which to reform him. In some states we use the *indeterminate sentence*, so that a prisoner is released on parole after serving a minimum sentence. We have also introduced into our prisons more training which teaches the prisoner a trade, we are treating him more as a man than as an abnormal human being, and we are trying to arouse in him ambition to become a useful citizen.

In a few progressive communities *prison farms* have

been started, the prisoners being allowed to do useful work in the fields or on roads or in other employments.¹ The problem is many-sided; it requires much more thought and public attention than has yet been given to it. No prison system will be really satisfactory, however, unless it makes some satisfactory provision for the man who is discharged

Need of more
care and less
punishment.



ENTERTAINING THE INMATES OF SING SING PRISON.

from prison walls, so that he shall be able to secure work and really become a useful member of society.

141. Reform Schools. — In a few states separate institutions are provided for adult first offenders. Possibly it is a misnomer to call any prison for mature men a reform school. However, the methods used in these institutions are among the best yet tried in America, since a first offender may really be reformed, whereas a hardened convict is usually hopeless.

Prisons for
adult first
offenders.

In a great many states there are similar reform schools

¹ In some prisons also the prisoners print papers, organize ball teams, have bands which give concerts, and have mutual welfare organizations which work on problems of the whole prison and of individual members.

Old style and
newer reform
school
methods.

for boys and girls. Many a youth who is guilty of stealing or some other misdemeanor is placed in such an institution until a certain age is reached. Incurrigible children frequently are sent by their parents to such a school. In other cities the reform school is used only for special offenders, segregated according to their degree of delinquency or according to their physical or mental disabilities. By means of strict discipline, by training the boys and the girls to use to advantage both their minds and their hands, and by teaching them self-control and the rights of others, an



THE REFORMATORY, ANAMOSA, IOWA.

earnest and fairly successful attempt is made by these schools to change them into useful citizens. Often their later careers are watched to prevent the graduates from reëntering a career of crime, for the difficulties encountered by a person who has served a sentence in a prison or reform school are very great, even when he desires to follow the right path.

Conditions
affecting the
juvenile
offender.

142. Juvenile Courts.—Society's change of attitude towards criminals is nowhere so conspicuous as in its treatment of youthful citizens who break the laws. In the adult offender, criminal intent may possibly exist, but in a young

boy or girl, no lawlessness should be charged to a really criminal nature. An especial effort is made in the case of children to cure any *physical defects* which may be thought to cause lawlessness. Since most juvenile offenders come from homes in which parental discipline is lax, or in which there is but one parent, especial attention is given to the *home life*. In fact, in some courts punishment for the offenses committed by children against law and order is meted upon the parents rather than upon the children.

In most of our large cities youthful offenders are now tried in special courts. A special judge takes charge of all cases involving boys and girls. Instead of treating the child as a criminal, — having a charge brought against him and his case tried by a jury, — the child with his accuser and sponsors meets the judge in his chamber. No outsiders know about the offense that has been committed, and the child, unembarrassed by the presence of policemen, spectators, or newspaper reporters, has an opportunity for a heart to heart talk with the judge.

The juvenile offender in court.

Ordinarily the child, if guilty, is placed upon *probation* and is obliged to report at regular intervals to the court. If he is still of school age, he is kept in school; otherwise employment is found for him and he is visited by the probation officers and friends. If he has no decent home of his own, a home may be found for him. As far as possible he is placed upon his own honor, some judges making a practice of sending the boy without guards to report at a rather distant reform school. It is interesting to notice that, where the juvenile court judge or probation officers use good judgment, they are rarely disappointed by the boys and girls.

Use of probation.

Certainly our juvenile court judges and their probation assistants have a right to be proud of the work of reformation which has been accomplished among youthful offenders some of whom would, under old, unwise methods, have become hardened criminals. The juvenile courts have pointed the way toward reform methods which will not only protect

Success of our juvenile courts and probation.

the public but help to solve this tremendously important problem of criminal reform.

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Questions

1. Show how the protection of individual rights and the promotion of public welfare are bound together. In what respects is civil liberty different from political liberty?
2. Give reasons for having bills of rights in our constitutions. Are those bills still demanded by conditions? Explain why we need at least four kinds of civil liberty, and show how our bills of rights protect each form of liberty.
3. From what dangers do our bills of rights fail to protect us? Name four modern social rights; show what dangers each averts, why each is more necessary now than it was in the last century, and why we are better protected by them than by the older bills of rights.
4. Explain the nature of the new social constitution, and show its importance.
5. How many grades of courts are there in this state? Give the name of each.
6. How many judges constitute the highest court? How are they selected? What is their term of office? Where are the sessions of the highest court held?

7. Answer the same questions for the lower courts.
8. How are jurymen selected in this locality? Do they serve without pay? Who are exempt from jury duty?
9. What is the size of the police force of this city? What are the duties of the police officers, according to the city ordinance?
10. What is the purpose of laws defining crime; of police departments; of courts; and of prisons? To what extent does each of these accomplish the work it is supposed to do; in other words, what are the failures in each stage of the administration of justice? Can you suggest remedies for any of these failures?
11. Name the principal prisons of this state; the reformatories. Are our institutions using modern methods?
12. Is there a juvenile court in this county? To what extent do our juvenile courts succeed in keeping boys and girls from becoming criminals? Why is an ounce of prevention for juvenile offenders worth to society several pounds of cure?

CHAPTER IX

PUBLIC FINANCE

GENERAL CONSIDERATIONS

143. The Financial Needs of Our Government. — All systems of government, even in times of peace, require an immense revenue. In time of war expenses are necessarily increased very greatly, particularly for the national government. The national revenues in time of peace are secured almost entirely through *taxes*. The income necessary for conducting a war is obtained, on the contrary, chiefly through

Ordinary income and war revenues.

State, \$382,551,190
County, \$385,181,760
National Government, \$952,600,857
City Government, \$1,246,659,009

EXPENDITURES BY GOVERNMENTS¹ (1913).

loans or other forms of indebtedness. These must be paid by taxation in the future.

In time of peace more than one half of the revenues of the national government are expended for the army and navy, pensions, and interest on the national debt; in other words, the expenditures are chiefly for past wars or future possible wars. This proportion of course is greatly increased in

"War" expenses of the national government.

¹ Towns and minor districts (including cities of less than 2500 inhabitants) are not included in tables on this page and on pages 158 and 168.

time of war. It is therefore necessary that the *national tax system* be capable of considerable expansion during crises, even though most of the revenue required for war expenses may be obtained through loans.

Financial
need of local
govern-
ments.

The ordinary expenses of state and local government are considerably heavier than those of the national government in time of peace. Schools cannot be maintained without money for buildings as well as the payment of the salaries

General Outlay \$511,923,125
Education \$424,416,597
General Gov't., \$211,772,053
Roads and Parks, \$183,399,264
Fire and Police, \$170,967,461
Interest, \$162,848,004
Charities & Corrections \$158,297,655,
Health, \$69,626,198

MAIN EXPENDITURES (1913), STATE AND LOCAL GOVERNMENTS.

of teachers. The salaries of public officials is a considerable item, since more than a half million people are engaged in the administration of state or local affairs for the public. The great expense of a police force, police courts, and buildings for the imprisonment of criminals shows that a high price must be paid for the preservation of order, especially in cities. Public charities of different types and kinds necessarily require a considerable outlay, as do the preservation of health and the protection of buildings from fire.

Public improvements call for large expenditures. These may be paid by the general public of the locality for which the improvement is made, if the improvement is general; for example, a bridge, a trunk sewer, or a city park. Heavy and unusual expenditures of this kind are usually financed by the sale of *bonds*, the cost of more specifically local improvements being paid by special assessments. Before we consider the character of different taxes in the United States, let us notice the relation of the public toward property and the characteristics which a good system of taxation must possess.

Public improvements, bonds, and special assessments.

144. Private Property as a Social Institution. — As we noticed above (§ 70), one of the most important economic characteristics of society to-day is the institution of private property. Although clothing, weapons, tools, and other "personal effects" of civilized man have always been privately owned, during the Middle Ages other forms of property such as land were not subject to private ownership in the same way as they are to-day.

Existence of private property in all ages.

Without private ownership of property, there would be *little inducement to work* except for the satisfaction of immediate needs. *Few people would economize* if their savings were placed in a common fund to which others contributed little or nothing. We want something of our own laid away for a "rainy day." We desire property not only for its own direct use but for *the income which savings will produce*. Since the time may come when the chief wage earner of a family will be old, disabled, or dead, he wishes to provide for those dependent on him.

Social advantages of private property.

Saving must therefore be encouraged by society not only because our vast modern system of production would be impossible without a large amount of capital, but because people will work harder if they are allowed to accumulate property. The institution of private property exists, therefore, not as a natural right but because of its usefulness to society. Through it society promotes the individual welfare of its members and the general welfare of society.

Social value of capital and other forms of savings.

Protection of private property by constitutions.

145. Protection and Taxation of Private Property.—Naturally our constitutions protect an institution which is so necessary socially and so fully established as is private property. In the Fifth Amendment of the national constitution, adopted in 1791, specific provision is made that no person shall "be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation." The Fourteenth Amendment, adopted in 1868, went farther when it declared that no "state shall deprive any person of life, liberty, or property, without due process of law."¹

Forms of wealth which should repay the public in taxes.

The accumulation of wealth is aided by our economic organization (§§ 68-75) and by many special laws or governmental favors. It is only right that the public should keep a part of that wealth which it creates or which it is possible for individuals to create because society is well organized. Certainly a heavy tax or large rentals should be paid to the government by *the owners of mines, waterfalls, and timber lands*, which are in one sense almost public property. The value of most city lots is constantly increasing because there is a social demand for them, and especially for those which are centrally located. Improvements made by one owner increase the value of neighboring lots, without a cent of expenditure by the latter. Those who benefit by this social rise of land values, called the "*unearned increment*," should give back to the public some share of that increase in value which they did nothing to earn. *Public utility corporations*, owning valuable franchises, which are property, should pay liberally for property which owes its sole value to the public. Business men in favored interests, those in control of protected industries, in short, all who own any land, other property, or business whose increase of value or unusual income is due to public causes, can afford to pay and should be made to pay taxes before anyone is asked to contribute out of his personal earnings.

¹ Under our constitutions and laws property was protected for nearly a half century after the Civil War by government, often at the expense of the life and health of the laborers.

146. Taking Private Property for Public Use. — Private property may be taken for public use in many ways. If a new street must be established or a railway constructed, one owner of land which is necessary for the completion of the thoroughfare or railway is not allowed to block the whole project by refusing to sell his land. If an owner is willing to sell but places an exorbitant price on his property, the public does not give what he asks, but the courts appoint experts who decide what amount should be paid for the land, or what sum should be offered as damages for injury to other property which is taken. This property is taken under the legal right of *eminent domain*. When a street is to be improved, the government again steps in and makes a *special assessment* on all property which is supposed to be benefited by the improvement.

Use of the power of eminent domain and special assessment.

In the case of *taxation* private property is taken for public purposes without the direct consent of the owners of that property. The government insists that we shall pay the taxes needed by the public even if the work done by the governments injures us as much as it benefits us personally. A tax we find to be a forced contribution by members of a society to its support. The society may be a nation or a state (commonwealth); accordingly we have a national system of taxation and a state system. However, in practice, if not in law, the latter may frequently be separated into two, the state and the local. It is evident at once that the revenue for the support of government must come from those who have that with which to pay, not from those who have not. If it does not come from "property," it must come chiefly from "income."¹ But, as property usually yields an income either in the form of actual satis-

Why property should be the chief source of taxation.

¹ If we taxed income chiefly, we should be obliged to make some distinction between (1) incomes which are due solely to personal effort and sacrifice, as in the wages of labor, (2) incomes which are the result of combined personal efforts and capital (i.e. property), (3) those which come from ordinary property, (4) those which come from property or business especially protected or aided by government, and (5) incomes or increases in property values which are created chiefly by society, as in the case of the "unearned increment" of land in business sections of cities.

faction, as the use of one's home or library, or in the actual creation of wealth, as the crops on a farm, or the goods made in a factory, income is only one side of property in many cases.

Principles of
good taxation.

147. Characteristics of a Good Tax. — (1) No tax is a good tax unless it is just. No tax is just if it affects personal income as heavily as income from property, or ordinary property as much as privileged property. It is impossible for any one tax to be fair to all classes of people; but it is possible for any *tax system*, that is, a group of taxes levied by any one government, to be fair.¹ (2) To say that a tax should be just is to indicate that it should be *according to a citizen's ability to pay*. Ability should be measured by the source of one's income quite as much as by its amount. As far as possible it certainly should exempt from taxation any laborer or family living on a small income.

Administrative details
desirable in
taxes.

(3) The times and methods of assessment and collection should not be arbitrary, but fixed and known to all. (4) The tax should be as *little felt* as possible. All of the burden should not be placed upon a single class, as in some French taxes just before the great French Revolution. An old but defective tax is often less felt than a new, though better, tax. Changes should, in consequence, take place only when the good to be derived clearly overbalances the difficulty encountered by the people in adjusting themselves to the change. (5) It should be *easily administered*. It should not be so hard to assess the tax that a premium is placed on dishonesty. No tax can be easily administered

¹ By a *system* of taxes we mean the sum total of all of the taxes levied by any one government. In most countries there are two tax systems: the national and the local; in this country we sometimes have *three*: the *national*, the *state*, and the *local*. Now, as a matter of fact, no one tax is likely to fulfill all of the requirements we have just enumerated. But if no tax is seriously defective, and if the *system as a whole* conforms to these characteristics, the tax system may be said to be good. In order to be satisfactory, however, a tax system must do more than that. The systems of the nation, the state, and the localities must not conflict or greatly overlap, while each system must be adapted to the peculiar needs of its government, as shown in the expenditures of that government.

which does not meet with the support of the people, or of which the cost of collection is great. (6) It should be *suited to the district* for which it is assessed. The absurdity of allowing cities or even states to levy customs duties or internal revenue is clearly apparent, while a national land tax would be little suited to the purpose of the central government.

NATIONAL TAXES

148. Financial Powers of Congress under the Constitution. — The financial powers conferred upon Congress by the Constitution are very extensive. In order that the national government may meet its expenses, Congress has the right "to lay and collect taxes, duties, imposts, and excises," provided that "all duties, imposts, and excises shall be uniform throughout the United States," and "to borrow money on the credit of the United States." Under the Confederation, Congress had been dependent on the states for its revenue, but, since the adoption of the Constitution, Congress has been independent of the states in financial as in other matters.¹ The powers granted by the Constitution have enabled our national government to accomplish the tasks which the central authority of every nation must assume.

Contrast between financial powers under the Confederation and under the Constitution

149. Duties on Imported Goods. — Our chief dependence for national revenue has been the tariff or customs duties. More than half of the articles brought into the United States are on the free list, but on the other half a tax is levied averaging at present from thirty per cent to thirty-five per cent of

Free and dutiable goods.

¹ The financial needs of the government have been met in different ways since the adoption of the Constitution. We may distinguish *three periods* in the history of national taxation. The first of these was brief, lasting from 1789 to 1802. Various forms of customs duties and internal revenue were tried, in addition to direct taxes on land, houses, and slaves. The second period, from 1802 to 1861, was marked by an almost exclusive dependence upon duties, except during the second war with England. The third period dates from 1862, when the extraordinary expenses of the Civil War were met by additional taxes. The taxes which we have at present include not only customs duties, but internal revenue taxes on liquors and tobacco, an income tax, a small corporation tax, an inheritance tax, and some miscellaneous internal taxes.

their value; in times past it has averaged as high as fifty per cent. In order to protect American manufactures, most of the duties upon imports are upon manufactured articles which come into competition with American products.

Merits and demerits of the customs tax.

One advantage of customs duties is that the tax is not felt by the person who pays it eventually, for the importer simply adds the amount of the tax to the cost of the

goods, and the customer does not realize how much of a tax he has paid. Its chief disadvantage is the fact that the tax is shifted to the *consumer* and is levied upon articles of consumption, such as cloth, crockery, and other commodities which are needed by the ordinary wage earner and housekeeper.



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CUSTOM HOUSE, GALVESTON, TEXAS.

Consequently the tax is paid chiefly by those who cannot afford financially to pay so large a proportion of the government's revenues.

Collection and evasion of duties.

The duties are collected at ports of entry on the borders of this country. There is some smuggling, especially on the part of travelers who object to paying duty on articles purchased abroad. Importers sometimes seek to evade the customs laws by very greatly *undervaluing* goods, but, if detected, they are obliged to pay a heavy penalty.

Rates.

150. Internal Revenue. — To-day the national government obtains as much money from internal taxes as from those upon foreign commerce. The rates are quite high, and the articles taxed at present include spirits, fermented liquors, and the different forms of tobacco.

The ease with which the revenue from this tax can be increased is quite apparent in the financial history of the Civil and Spanish-American wars. At the beginning of the Civil War the national government was levying no internal taxes, but in 1862 Congress authorized the taxation not only of *spirits, malt liquors, and tobacco*, but of *manufactures and incomes*. It also levied a stamp tax on *ordinary business transactions*. Later in the war, new schedules were added to these taxes, and the rates were increased on the articles formerly taxed. A process somewhat similar, although less extensive, was followed during the Spanish-American War.

Value of the tax during wars.

The tax on liquors and tobacco is a valuable one at all times, since persons who use those luxuries should pay a share of the expenses of the general government. The *extensibility of internal taxes* in times of great financial need is undoubtedly its most desirable feature, but excessive taxation must be avoided, for, if it injures industry, it will kill the goose that lays the golden eggs. It is likely also to cause fraud. Not only do moonshiners try to cheat the government out of internal revenue, but great manufacturers have been guilty of counterfeiting revenue stamps.

Importance in time of peace

151. Income Taxes. — During the Civil War incomes of from \$600 to \$5000 paid a tax of five per cent, those of more than \$5000, a tax of 10 per cent. In 1894 an attempt was made to levy a similar tax, exempting those whose income amounted to less than \$4000 annually. This was opposed as class legislation, since a much heavier burden would be placed upon the capitalist of the East than on people of the West, most of whose incomes were small. This tax was held by the Supreme Court to be *unconstitutional*, since according to the Constitution direct taxes must be levied on the states according to their population.

History of income taxation in the United States.

In 1913 demand for an income tax had become so great that the *Sixteenth Amendment* to the Constitution was adopted, providing for such taxes. The national government very promptly levied an income tax which ex-

National income tax since 1913.

empted \$3000 (now \$1000) for every individual and \$4000 (now \$2000) for every married couple which had a joint income. Since it was thought that persons with large incomes were able financially to pay much heavier taxes than those with moderate incomes, the tax was made *progressive*, that is, the rate was made much higher for the larger incomes.¹

National inheritance taxes.

152. Miscellaneous National Taxes. — These taxes which we have just considered, with direct taxes used five times ² in the past, complete our system of taxation with three slight exceptions. A minor source of revenue which was used from 1898 to 1902 and since 1916 has been the progressive tax upon legacies ³ similar to state *inheritance taxes* (§ 156).

Corporation and internal taxes.

Another exception is the *stamp tax upon internal business* other than liquor and tobacco. Recently this tax has applied to important papers and transfers of property. Most of these taxes have been repealed, but in 1917 new national taxes were created to meet extraordinary expenditures for defense. The taxes on manufactured articles at the time of the Civil War were analogous to this internal stamp tax. The third additional tax at present is the *corporation tax*, a tax of one per cent on the net income of corporations doing an interstate business amounting to more than \$5000 a year. Large excess profits taxes have been levied since 1917, with maximum rates of 65 per cent.

The burden of national taxation.

The total national revenue from all forms of taxes for the fiscal year of 1914-1915 amounted to about \$700,000,000, nearly 80 per cent of which came from customs or internal revenue on liquors and tobacco. Although these taxes were

¹ The 1913 tax carried rates from 1 to 7 per cent, that of 1916 from 1 to 15 per cent, that of 1917 from 2 to 65 per cent, and that of 1919 from 6 to 65 per cent.

² It was supposed when the Constitution was adopted that a large part of the revenue of the United States government would come from direct taxes levied upon the states in proportion to their population, but Congress had not seen fit to gain money by this means except five times, four of which were during the wars of 1812 and 1861. Unlike the taxes upon imports or manufactures, Congress does not decide what the rate shall be, but ascertains the total amount of the tax, apportioning to each state its share.

³ The national inheritance tax exempts \$50,000 from every estate. The rates on the net estate, after deducting debts, vary from 2 per cent to 25 per cent, according to the total amount.

paid by those who used the articles taxed, and therefore could be avoided if the consumers wished to go without these commodities, this burden of \$7 per capita or about \$35 for each family of five was borne chiefly by the workers of the nation, that is, by men of small incomes.

153. The Management of National Finances. — In public finance the amount of revenue to be raised depends to a large extent on the government's expenditures. A government is not like an individual, whose expenses depend upon his income. It has certain governmental duties to perform, and in doing them it thinks first of carrying on its work and secondly of raising the necessary money.

Why the governmental expenditure determines the governmental revenue.

If the expense is unavoidable and the revenue is not forthcoming, the government sooner or later goes to pieces. The question is not whether the money can be obtained, but by what means it can be secured.¹ In case the government needs to raise money for extraordinary expenses, as in time of war, it is customary to issue bonds, which are sold publicly to the highest bidders.²

The raising of ordinary and extraordinary revenues.

During the Great War, our government raised by sale of bonds a sum of more than twenty-two billion dollars. There were four Liberty Loans of bonds issued at rates of $3\frac{1}{4}$ per cent to $4\frac{1}{4}$ per cent. Each state and each community had a certain amount which it was expected to raise. Committees were organized to solicit subscriptions and see that the communities reached their quotas. Most towns subscribed the full amount and went "over the top" long before the end of the campaign. In addition, the government sold large numbers of thrift stamps and war savings stamps (W. S. S.).

¹ In Congress the organization of the financial committees is rather unusual. A single committee in each house of Congress, as the Finance Committee in the Senate and in the House the Ways and Means Committee, has entire charge of proposing or formulating methods for raising revenue. This centralization of power and responsibility is desirable. However, there is no direct correlation between the work of these committees and the work of the numerous appropriation committees in each chamber.

² During the Civil War bonds to the value of several thousand million dollars were sold, sometimes for less than half their face value in gold. During recent years our national government has been able to sell bonds in almost unlimited

STATE AND LOCAL TAXATION

Extensive
use and na-
ture of the
tax.

154. The General Property Tax. — At least three fourths of the revenue for our state and local governments comes from the general property tax, which is in the universal use for state as well as local governments except in a few states. Theoretically, this tax is levied upon everything which possesses value. One part of the tax is assessed upon *real estate*, i.e. lands and houses, the other upon *personal property*, including household furniture, farm implements, horses, and cattle.

There are certain difficulties inseparable from the assessment of any property. Since *the assessed value of real estate*

STATE CITIES AND COUNTIES	General Prop- erty Tax, 38%	Other Revenue, 62 %
	General Property Tax, 64 %	Other Revenue, 36 %

GENERAL SOURCES OF STATE AND LOCAL REVENUE (1913).

Difficulties in
assessing
real estate
and personal
property.

must depend to a great extent upon an assessor's judgment, it is difficult to make an assessment uniform over an area as large as a county. It is absolutely impossible to do so over an area as large as a state. To be sure, state boards of equalization try to even up inequalities, but the different counties rather successfully undervalue their property in order to escape their share of state taxation. *The assessment of personal property* is far more difficult, because most wealthy individuals conceal stocks, bonds, and other "intangible" property. Consequently, the personal property tax law is almost a dead letter.

amounts at rates of interest less than 3 per cent. During the Civil War, as well as during the Revolutionary War, the government borrowed by issuing paper money. There are still in circulation some of the greenbacks issued during the Civil War, by which the government paid a fair share of its expenses.

The principal objections to the general property tax may be stated as follows:

Defects of
the general
property tax.

(1) It is practically impossible to discover and assess "intangible" property by means of this tax, and the tax is, therefore, in reality a real estate tax, although theoretically a tax on *general property*.

(2) As a result of this failure, the farmer and the poor man pay very much more than their wealthier neighbors in proportion to their *ability*, especially as few states or localities tax the unearned increment.

(3) Because of the difficulties of assessing it over a large area, it is not a good *state tax*.

155. Corporation Taxes. — Many states are now seeking, through a tax upon corporations, to reach stocks and bonds which formerly escaped taxation. They single out particularly those public service corporations upon whom special privileges have been conferred by the people, but in most cases they include also industrial corporations.¹

Reasons for
corporation
taxation.

Some states try to tax *banks* by making them pay a tax on their stock. *Insurance companies* may be taxed on the total amount of the premiums which they receive each year. Large *manufacturing corporations* are often obliged to contribute a part of their net income, but more frequently the tax is assessed upon their capital stock. Street railways, steam railways, express companies, telegraph and telephone companies, and other public service corporations are often taxed

Different
corporations
subject to
special tax.

¹ Since our business life is not so simple as it once was, our present systems of taxation in most of the states are rather antiquated and unjust since they cannot be adapted to our present-day industrial conditions. Most European countries have tried and found fairly successful some forms of corporation taxes. The eastern states that have depended chiefly on corporation taxes find them superior to the general property tax for purposes of state revenue and more just to the poorer classes. It has been found possible to avoid the two great dangers of industrial taxation. (1) The chief objection to levying taxes on industry is that industry may be injured by the extra burden imposed. In practice it is found that to-day industry can afford to pay taxes better than agriculture or labor. (2) Under our present system of federal government, the states must avoid severe laws against corporations or these will transfer their business in some cases to other states. This danger has not been realized in the attempts to tax corporations.

separately. Sometimes these companies are assessed according to the value of their franchises, which is usually represented by the market value of their stock. Corporation taxes will undoubtedly be used more in each succeeding decade, although they may not be adopted extensively on account of problems in administration.

Principle of
the tax.

156. Inheritance Taxes. — Many states tax inheritances. It is held to be an especially fair tax because *it is according to ability and social justice*. It is based on the principle that the state has a real claim upon the property of any one who has amassed wealth under the protection of its laws, if this property is transferred without cost to another who did not aid in its accumulation. It is held that legatees who acquire wealth which they have not earned are able to pay a fair percentage of the money bequeathed to them in the form of a tax. Inheritance taxes are used in most foreign countries, by the national government (§ 152), and in about one half of the states.

Progressive
nature of the
rates

Few, if any, of the states require a tax to be paid upon small bequests to a wife, a husband, or a child. But if the bequest is large, or the legatee is not closely related to the deceased, a fair percentage of the property must be paid into the state treasury. In other words, the tax is often *progressive*, *i.e.* the rate increases with the amount of the bequest or the lack of relationship between the deceased and the legatee.

Liquor
licenses and
public utility
revenues.

157. Other Forms of State and Local Revenue. — A form of revenue of some importance for local governments is the system of *licenses*, particularly those upon liquor saloons and places of amusement. Another kind of local revenue is furnished by the business enterprises conducted by our governments. Our post office usually has a deficit, but some *municipal public utilities* (§§ 177-184), such as waterworks or electric lighting plants, have furnished a net income above their expenses. This ordinarily is small, since usually the business is conducted with a view of doing as much as possible for the citizens, rather than mak-

ing money. In the *sale of franchises* for privately owned utilities (§ 179) an additional source of revenue is secured. The large income which the city rightly should receive from that source has seldom been returned to the public. In some states we still have *poll taxes*, and in a few commonwealths no one may vote until his poll tax has been paid.

The cost of local improvements is usually met, in large part at least, by *special assessments*. For our state governments heavy *debts* are not customary, because the work of the state government deals less with administration which involves expense, than with legislation, which does not call for large revenues. City governments, on the contrary, ordinarily are heavily burdened with debt. A large part represents waste, but some of the debt stands for good investments. Because of the danger of heavy municipal debts, many state constitutions have placed a limit on the amount of debt which any of its local governments may incur. Most bond issues must be approved by the voters at the polls before the bonds can be sold.

Special
assessments
for local im-
provements.

An examination of the scheme of taxation in use in American states, cities, and counties shows that most of the tax systems in use are not well adapted to the social and business needs of the people. This is due chiefly to the great dependence placed upon the old general property tax. The exceptions are (1) the rural communities in which that tax is satisfactory because almost all property is visible, (2) the states which, by separating state from local taxation, have established satisfactory corporation taxes, and (3) the cities which make wise investments in real estate, enjoy profits from public utilities, and have licenses upon local business.

Defects and
merits of
state and
local taxa-
tion.

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Questions

1. For what three purposes was the most money expended last year by this county? by this city? by this state? by the national government?

2. Explain why *private* property is a *public* institution. Why is it reasonable and just that it should be held subject to public needs and be taken in part by taxation by the public? In what other ways may private property be taken for public use?

3. Name the articles from which most of our income from customs duties is now derived. (Newspaper almanacs.)

4. Have we a national tax at present on any commercial transactions? To what taxes is the progressive principle applied?

5. Make a table showing the national revenue derived from each source during the last fiscal year. Do the same for the national expenditures. Does the amount of any item seem unjust?

6. What serious defects are noted in the methods used by Congress in the control of finance?

7. Look up for the city and county: the total assessed valuation of property, the tax rate, the income from the general property tax, the income from other important sources.

8. What is the amount of the city debt? Is there a limit to the amount of debt that may be incurred?

9. On what taxes does this state depend for its revenue? Explain all state taxes besides the general property tax.

10. To what extent are our systems of taxation fair and just? Are taxes paid chiefly by those who should pay them? Name two taxes in which serious defects still exist, explaining the defect and, if possible, suggesting a remedy.

CHAPTER X

CITY GOVERNMENT

Reasons for
growth.

158. The Remarkable Growth of Our Cities. — We can appreciate the importance of city government if we realize that two fifths of all the people of the United States live in cities of more than 8000 inhabitants, whereas twenty-five years ago only one fifth of our population dwelt in cities. The chief motives influencing this migration to urban centers have been the increased opportunities of business advancement which a city offers, and the social and educational advantages found there. Because of the many calls which city life makes upon the time of its people, less chance is given the voters to interest themselves in the way the government is conducted. Since they do not become acquainted with their neighbors as in the country, the candidates for city offices are known personally by few voters.

Civic results
of rapid
growth of
American
cities.

This indifference of the people to city affairs is increased by the lack of great public questions in connection with the municipal government. The vast number of details with which city officials are concerned, from their very complexity, make supervision of city administration by the voters almost impossible. It is well known that our city governments have often fallen into the hands of men whose sole business is "politics," and whose care for the public welfare is less marked than their devotion to private interests. This is the more unfortunate because the regulation of a city's business involves the expenditure of a much greater amount of money in proportion to the population than does that of the county, the state, or the national government; consequently all citizens should be vitally interested in having their city's government as perfect as possible.

ORGANIZATION

159. The Municipal Charter. — All cities are public corporations¹ created under state laws.² After a city has been incorporated, a charter is granted by the state legislature or formulated by a committee selected by the voters of the city. This charter is the fundamental law of the city, although it is subordinate in every respect to the state constitution. The most vital part of the charter deals with the frame of the government for the city, showing the composition and powers of the legislative body known as the council or commission, and the term and duties of the most important administrative officials.

Nature of a city charter.

Formerly most city charters were granted by *special* act of the legislature. Nowadays the legislatures usually grant the charters under general laws. The state divides its cities into classes according to size, and a form of charter is enacted by the legislature for the cities of each class. A few states which have this form of charter, however, sometimes permit the larger cities to modify these general charters, or even to draw up a special charter for the city.

Classes of municipal charters in most states.

Twelve states now allow every city, small towns being excepted, to elect charter committees which frame *home rule charters* such as are desired by the people of that municipality.³ In a few cases these charters go into force as soon

Freehold or home rule charters.

¹ § 186.

² When the population of any rural district becomes fairly dense, the voters may petition to have a special election called in order to determine whether the district shall be *incorporated* as a city or village. If the vote is favorable, articles of incorporation are drawn up in accordance with the law of the state. These articles state the boundaries of the city or village, as well as the number, terms, and powers of the officials. Chief among the *officials of a village* are the members of the village boards, corresponding to the city council, whose presiding officer is "mayor" of the village. Other duties are performed by the clerk, the treasurer, the assessor, and the overseers of the poor. These village governments are therefore quite similar to those of the cities, although their tasks are less numerous and their problems much easier to solve.

³ The twelve states which in 1916 provided for charter committees were Missouri, California, Washington, Minnesota, Colorado, Oregon, Michigan, Oklahoma, Arizona, Ohio, Nebraska, and Texas.

as they are approved by the voters of the cities, but ordinarily they must be ratified by the state legislature.

Increase of
home rule
since 1800.

160. Three Types of City Government at Present. — Until the early part of the nineteenth century it was customary for American states to govern their cities, only the members of the municipal council being elected by a select set of voters within the city. After American government in general became more democratic, popular election was substituted for appointment in the selection of the most important administrative officials.

The three
types.

At present there are three types of city government in use, (1) the *mayor and council type*, (2) the *commission form*, and (3) the *city manager plan*.

Two kinds of
mayor and
council gov-
ernments.

Of the mayor and council type there are two kinds. In the older form the council has considerable power and the municipal administration is intrusted to a large number of unrelated officials or bodies. In the later, more centralized form, which was adopted extensively during the last part of the nineteenth century, the council has less authority, there are fewer elected administrative officials, and more power is concentrated in the hands of the mayor, the auditor, and one or two associates.

Composition
of the
council.

161. The City Council. — As a rule the councils of our cities are *small bodies* of from ten to twenty members comprising a *single chamber*, although in about one city in four there is a second chamber, just as in the state legislatures and in Congress. In some of the cities the members of the council are elected from wards or from special districts into which the city is divided; in some they are elected from the city at large. The chief objection to the first system is that councils are apt to be composed of ward politicians. In the second system, however, the minority sections or groups may be almost entirely unrepresented.

Powers exer-
cised by the
city council.

The council is not allowed to exercise any power except those specifically mentioned in the city charter. Usually the list of *enumerated powers* is quite long, giving the council the right to construct public buildings or other public im-

provements and to make *ordinances* for controlling the streets, preventing disorder, regulating licenses, caring for the health of the community, and for many other matters of local interest. The council is usually the *chief financial organ* of the city. To it estimates of the expenses of the different departments are furnished, by it appropriations are voted, and provision is made to meet the expenditures through taxation or other forms of revenue. When it be-



CITY HALL, SAN FRANCISCO, CAL.

comes necessary to *borrow money*, the council is authorized to issue bonds for the necessary amount, although sometimes the council must secure the approval of the voters. When companies apply for *franchises* to lay a street railway track, or furnish telephone service or gas, the applications are made to the council, but in some cities franchises cannot be granted without a favorable vote of the people.

162. The Mayor. — In many of the cities which have the mayor and council type of government, the mayor is simply

The older
type of
mayor.

the most important of the administrative officials. He is aided by many associates or colleagues who are independent of him, since they are chosen without consulting him and may not be removed at all. As mayor he has a little power of appointment, but he selects very few officials. He must enforce the laws and he has the right to veto bills passed by the council.

The mayor
with con-
centrated
authority.

Such a system as this is naturally headless. There is a maximum of inefficiency with a minimum of responsibility. Consequently, as our city governments were very badly managed, an attempt was made, during the late years of the nineteenth century and the early years of the twentieth, to remedy the worst evils of municipal government by concentrating power in the hands of the mayor. Many mayors are allowed to select and remove, with the consent of the council, most of the subordinate executive officials and boards. Consequently in these cities he is held responsible for the success or failure of municipal administration. Comparatively few cities have changed to this form of government within recent years.

Commission
government
as a remedy
for defects
in municipal
government.

163. Commission Government. — More than three hundred cities in the United States, chiefly of medium size, have sought to secure better government by a radical change in municipal organization. Instead of having a council with a mayor, these cities select a body of commissioners, usually five in number, who are the chief and in a sense the sole governing body of the city. The commissioners are elected at large and are afterward assigned to different departments, all of the administrative work of the city being under these large departments. Election at large helps to prevent the selection of ward politicians to these offices.

Commission-
ers as a gov-
erning body
and as ad-
ministrative
heads.

There is considerable concentration of authority and therefore of responsibility in the hands of this single body of men. As a *commission* they make ordinances and supervise the affairs of the city in general. It is in their power to adopt a unified policy of city planning and development. As *administrators* each has charge of a department for which

he is presumably well fitted. The men who make ordinances and supervise the general affairs of the city also supervise the administration of municipal ordinances and policies. In this way there is a *close correlation between legislation and administration*, undoubtedly a wise and necessary provision in municipal government.

164. Merits of Commission Government. — Since com- Advantages.
mission government is one of the latest types used in our cities, it embodies many of the reform methods which have been favored in recent years. The very change from an old government to a new form has in itself tended to awaken civic interest and secure popular coöperation, which may have been lacking before. In many ways these reforms have been desirable, but they are not necessary characteristics of commission government alone. That commission government is adapted to the needs of medium-sized cities seems apparent, because it simplifies the older, more complex form of municipal administration, gives more unity to the government, and concentrates administrative authority in the hands of a single body.

That commission government is adapted to the needs of Limitations
larger cities does not seem to be indicated either by the nature of its organization or by the rather moderate success which it has attained in the few larger cities where it has been tried. Many people believe that commission government, although apparently an excellent form of concentration, is headless because no one person is in control. However, it has so much concentration that to others it seems unrepresentative and undemocratic and therefore dangerous. They fear that, if corrupt influences are powerful enough, it may make some older forms of municipal graft and corruption seem childishly simple.

165. The City Manager. — The newest type of city organization provides for a city manager in addition to either the commission or the mayor and council.¹ The city man-

¹ Although the city manager is preëminently an expert administrative officer, the plan has been adopted chiefly in cities with commission government.

The city manager as a supervisory administrative expert.

ager is *an expert*, not necessarily a resident of the city, who is selected for the purpose of *assuming entire control of city administration*. Since a municipality is to a large extent a business corporation, there seems good reason to believe that a business manager who knows municipal business should be able to organize efficient city government, just as the general managers of big business corporations are doing everywhere for business. Of course it will take time to train good city managers; good results must not be expected of untrained managers selected for short terms.

Beginnings of city government.

Although the manager's term is very short in most of the American cities which have been experimenting with this plan, he has the right usually to appoint all subordinate administrative experts who are under his supervision and control. Ordinarily he has charge of the making of the city budget and therefore of the city finances. In most cities which have adopted this system he also has the power to see that all laws and ordinances are enforced. At this writing (1916) this plan has not yet been tried long enough to prove its real merits or demerits. The city manager is not to be confused with the burgomaster of the German city, from whom he is radically different.

Experimentation and problems.

It can be seen from this brief survey of city governments that we are still in a period of transition. We realize the defects of municipal government and seek something better than we have. Out of our experimenting we are bound in time to evolve forms of city government which will be adapted to American conditions and to the needs of large as well as small cities.

GENERAL PROBLEMS OF CITY GOVERNMENT

186. **The Problem of Functions.**—There has been a decided tendency in recent years for all our governments,

Since the commission itself was intended to be a body of expert administrative heads who were organized into a single body for the making of ordinances and directing the policy of the city, the principles underlying the city manager plan seem to be greatly at variance with those underlying the commission form of government.

especially those of cities, to extend the number of duties which they perform. Even yet American municipalities do less for their people than is done by the most progressive European cities. We may classify municipal duties as *strictly governmental duties* or *business duties*. Most of the business functions will be considered later under the topic "Municipal Public Utilities."

Increase and classes of functions.

Under the strictly governmental activities we find first that of *preserving order*, since disorder, evasion of law, and crime increase as population becomes more congested. Fully as important is the subject of *health*. The larger the city, the greater the menace to health from epidemics, from the spread of ordinary contagious diseases, and from the accumulation of filth and waste (§ 257). In self-protection cities must make and enforce strict plumbing and sewage regulations, they must provide a supply of pure water, they must prevent the use of preservatives in milk or meats, and must have careful inspection of all foods which are offered for sale (§§ 258, 259).

Public safety regulations.

The proper paving and care of streets constitutes a task of no mean proportions (§ 284). The construction of public school buildings, the maintenance of *schools* (§§ 242-247) of every grade, from kindergartens to high schools or even colleges, and the selection of teachers, require the best thought and effort of one of the cities' most important departments, the Board of Education. Almost as essential for the social well-being of the people is the work of education, culture, and *recreation* furnished by city libraries (§ 248), parks, and playgrounds (§§ 173, 174).

Improvements and public welfare work.

167. Administrative Departments.—Most of the real work of a city is performed through numerous administrative departments.¹ Many departments are managed by appointed boards or heads, and a very few, as the police and fire departments, have both boards and chiefs. Two dis-

Decentralized municipal administration.

¹ The school department is in a sense distinct from the rest because its members are usually elected and have unusual powers in the expenditure of public money.

tinct forms of administrative organization are found in American cities. (1) The older or *decentralized form*, at one time practically universal, leaves the departments entirely independent of one another. There may be forty or fifty departments which have no means of coöperating with one another and are not directly responsible to either the mayor or the council.

Centralized
administra-
tion.

(2) In many cities there are four or five *grand departments*, each of which includes a number of bureaus, these bureaus corresponding to the disconnected departments in the decentralized form. By this means, coöperation and the fixing of responsibility are secured. In the commission form of government, a commissioner usually presides over each of these concentrated departments. Those which are most commonly arranged are Department of Public Affairs, Department of Public Safety, Department of Public Works, Department of Public Finance, and Department of Municipal Utilities or Department of Parks and Public Property.

Civil service
in cities.

There are more employees in these administrative departments than would at first be thought possible; Greater New York, for instance, has seventy thousand, practically all of whom are under civil service regulations. As most of the positions can be filled properly only by persons of particular skill, the methods used in the selection of employees are of the first importance. Civil service rules are enforced in practically all cities of the three states of Massachusetts, New York, and Ohio, but except in cities with commission government very little has been done elsewhere to establish a regular civil service in which appointments shall be made exclusively on the ground of merit or removal solely for incompetency. The popular interest taken in this subject should lead to some improvement, without which good government is impossible.

The need of
non-partisan
organi-
zation.

168. Municipal Elections. — Since the work of the city is almost purely administrative, it is necessary that particular care should be taken in the election of those chief executive officials by whom the numerous subordinates

will be appointed. Nowadays it is customary to hold city elections at a time when no state or national contest is occurring.¹ In large cities it is absolutely necessary that there should be continuity in the important policies undertaken by the city government. It is quite as necessary that there should be *permanent organization of citizen movements* with definite and practical programs, because, if the citizens are disorganized, party politicians or unscrupulous gangsters will be sure to seize the reins of power. In some cities citizen organizations have followed the plan of supporting those candidates of the two parties who favor the citizen program. In this way they have secured a much better class of nominations for city offices. In other municipalities the citizens have named candidates of their own for all offices. This has forced the parties which participate in the election to nominate excellent candidates in competition.

169. Municipal Finances. — *Financial questions are relatively more important in cities* than in the states or in the nation. A larger proportion of municipal duties involve the payment of money than in either of the others, the per capita expenditures of American cities being six times as large as those of the states and practically double those of the nation. Because taxes are high, every one knows that city governments are expensive. Probably less is wasted to-day than was misused in former years, but radical reforms are still necessary.²

Relatively great importance of public finance in cities.

¹ Until the close of the nineteenth century city elections were held almost always at the same time as state and congressional elections. As a consequence the nominations for the city elections were of a distinctively partisan character, and it was practically impossible to select candidates on their merits. In consequence the party machine (§ 106) dictated the appointment of practically all subordinates and employees. This was very fine for the party organizations but rather hard on the city government.

² The chief source of municipal revenue is the general property tax (§ 154) levied upon all real estate and presumably all forms of personal property. This furnishes about one half of the total income. The rest is secured from licenses issued to liquor dealers and various other businesses, fees and fines, and payments made by corporations for franchises, privileges, and profits on municipal utilities. Most local improvements are paid for by means of special assessments and do not enter into strictly municipal finances.

Financial
needs and
reforms.

With the large amount of money paid for the school, police, fire, and lighting departments, there is need of good management and real economy. Many of our cities have not even a proper system of accounting, although some of them have adopted a regular *budget* which itemizes in a single statement all receipts and expenditures, and have attempted to reform their finances and their financial methods.



CONGESTION IN TENEMENT DISTRICT, LOWER NEW YORK.

Some European cities, unlike the average American municipality, look to the future, secure lands needed for parks and public improvements before they have become too valuable, make the "unearned increment" (§ 145) pay a large per cent of municipal expenses, and in other ways practice a true, far-sighted economy.¹

WELFARE PROBLEMS

Congestion
and slums.

170. The Housing Problem. — The area of most American cities seems large compared with that of European cities,

¹ In America we too often call a bond election instead of planning carefully in advance to secure additional revenues which will make unnecessary our enormous

yet the housing question is one of our most serious problems. Because our transportation facilities are inadequate (§ 182) there is extreme congestion in almost every one of our large American cities. Since great numbers of European immigrants have settled in almost every metropolis, slums have been formed. In slum districts many exceedingly narrow streets are lined with high and more or less unsanitary tenements, and even the back yards are covered by other buildings. The illustration on the opposite page shows the extent to which congestion has developed in lower New York.

Many years ago attacks were made upon the old style tenement in the hope of securing *tenement reform*.¹ In most of our eastern cities there are now

laws which regulate the building of tenements and give the tenants a fair amount of light, air, and sanitation.² These regulations are not enforced as strictly as might seem desirable, but they have done much to improve housing



A MODEL TENEMENT, LOWER EAST SIDE,
NEW YORK CITY.

Modern
building laws
for tenements.

municipal debts. It must be remembered, however, that a large part of our debt is represented by investments.

¹ Some philanthropists erected model tenements in order to relieve congestion in the worst districts and give improved housing conditions. As one author states, in the forty years preceding 1910 they were able to construct in New York "model tenements or apartments for only eighteen thousand persons, while more than a million and a quarter persons were being accommodated in new-built but old-style tenement houses."

² The tenement regulations prescribe that not more than sixty-five to seventy-five per cent of the ground area of any city lot shall be covered by buildings.

conditions in our great cities and to reduce the death rate among tenement dwellers.

Need of better building laws.

171. Fire Protection. — One form of the housing problem which should receive far more attention than it does is that of protection against fire. More property is destroyed by fire than by all other agencies, the annual direct loss from fire in the United States being two hundred and fifty million dollars, and the annual cost of insurance, fire departments, and other means of prevention as much more. In almost all large cities houses are built close together, and in the largest cities, where land is particularly valuable, they are contiguous. A fire starting in one will sweep through a block easily if there are lax building laws or poor enforcement of good laws.¹

Our city fire departments.

If our buildings were better, we should need to place less dependence upon our fire departments, which are rather inadequate for the need. However, our best city governments now have improved electrical devices for sending in fire alarms, and their fire departments include the latest equipment in chemical engines, modern fire hose-cart trucks, extension cranes, and other fire-fighting apparatus. Heroes are common among the men who protect our cities from fire.

Need of city planning for the city and its future.

172. City Planning. — American cities have not been in the habit of adopting policies except for immediate needs, nor have they usually planned the arrangement of streets, boulevards, and civic centers with much foresight or care. The term "city planning" is ordinarily applied to the *physical improvement* of a city, but there is quite as much need

They control the height of the buildings, the width of air shafts, and the lighting of rooms. No persons are allowed to live in a room which does not have a window opening on a street or a court. The old-style faucet tap which was used in common by all families on a single floor is now taboo; each family in a new tenement has its own supply of water and possibly its own bathroom.

¹ It is customary to divide cities into different fire districts. In the business center of localities where the buildings are contiguous, frame construction is not permitted, although few cities have building and fire ordinances which require as high degree of fire proofing as would be desirable. Permits are required before any buildings are erected or additions made.

of devising satisfactory and comprehensive policies for *future* needs in finance, administration, utilities, and welfare work as there is for the proper laying out of squares, parks, and public highways.

One American city, Washington, was platted by engineers on a plan which was truly artistic as well as useful. In most cities even the laying out of streets has been left largely to real estate operators or speculators. That is, the street planning has been arranged on private initiative.¹

Lack of city planning.

In some communities city planning refers exclusively to a scheme for a *civic center*. Since there are numerous public



PROPOSED CIVIC CENTER, CLEVELAND, OHIO.

buildings in all large cities, it is desirable that they should be grouped according to some artistic and satisfactory plan. Strangely enough very few American cities have such a civic center and, even more strange, very few cities are really planning such a center. Besides the civic center,

Civic centers, park systems, and better street arrangements.

¹ The result is that often we have no scheme at all. In some cities a street will be found for a couple of blocks, an interval of several blocks will follow in which no street has been cut through, and then the street will be continued farther on, this happening several times possibly with the same street. A few American cities, Indianapolis for one, have boulevards cutting across the conventional rectangular blocks which are characteristic of a fairly well-planned American city.

city planning should include some definite and comprehensive *scheme for parks and boulevards*. Undoubtedly in the future we shall give all of these subjects far more thought and attention than we have in the past.

Large city
parks.

173. City Parks. — One phase of city planning which is of particular value, not only in making the city beautiful, but because of the opportunity which it offers for recreation and for preserving the health of citizens, is the city park. Many cities used sufficient foresight to secure large parks in



REVERE BEACH (MUNICIPAL) PARK AND BATH HOUSES, BOSTON.

their suburbs while land was inexpensive. When the cities grew, these parks were entirely surrounded by homes. For example, the original cost of the land for Central Park in New York City, covering one and one third square miles, was less than seven million dollars.

Small parks
and park at-
tractions.

These cities and others have, however, been forced to create parks in more congested districts at considerable expense, for they have needed breathing spaces which were accessible to the people of the tenements. Large sums have been spent in beautifying these public garden spots, making them attractive with drives, lakes, tennis courts, ball

grounds, zoölogical gardens, and numerous forms of free amusements. In a very few cases the parks have been erected into a *system*, giving each section of the city at least one park and connecting by boulevards a series of well-located parks.¹

174. Municipal Playgrounds. — Still more important are the children's playgrounds which have been established as breathing spaces in the tenement districts. In our larger

Variety and
uses of public
playgrounds.



A SCHOOL PLAYGROUND, CHICAGO, ILL.

cities playgrounds have been created on pleasure wharves, in roof gardens on the tops of school buildings, and in squares where rookeries have been demolished. For the children of the poor they have replaced to some extent the old play-

¹ A comparatively satisfactory system is the metropolitan park system of Boston which has been organized into a system not only by care in the selection of park sites, but by the series of boulevards by which the parks have been connected. Only a few American cities have any building regulations which give good sky lines to the buildings along new streets. If we compare, for example, the buildings on a Paris boulevard with the sky line of the buildings in almost any American block, we shall be impressed at once with the plan by which the Paris buildings have been erected.

Social advantages of parks and playgrounds.

grounds of dirty streets and dark alleys; they give room for sunshine, spontaneous play, and healthful sports. With the public swimming pools and bath houses, their influence for health and cleanliness remakes many lives. Band concerts and other forms of amusement on Sundays and evenings attract large multitudes of adults, for whom innocent amusement is as necessary as it is for children. To the multitudes whose days are spent in grinding toil, whose homes offer little or no attraction, whose vacations come as periods of enforced idleness when times are hard, the ever-increasing number of parks and playgrounds are an inestimable blessing.

Reform of some old defects.

175. Failures of American Cities. — More than a quarter of a century ago the great English critic of American political institutions, the Honorable James Bryce, stated that municipal administration was the most conspicuous failure in American government. Great improvements have been made in the last quarter century, but, as stated above, we are still in the experimental period. We are making progress, but we have not solved our problems.

Importance of administration in municipal government.

The reason why municipal government is less satisfactory than other forms of American government is perfectly plain. First of all, our cities are supposed to enforce, within their localities, most of the *state laws*. We shall notice later that *one of the most distinctive characteristics of American government is legislative centralization and administrative decentralization* (§ 185). Secondly, they must administer all ordinances and rules made by the city authorities for the conduct of purely local affairs. Thirdly, they must supervise or own and manage all public utilities. All these problems are *administrative*.

Why American ideas of liberty and government interfere with the administration of laws.

The administration of law is by far the weakest part of our American system of government. No people has equaled us in comprehending and applying the general principles of government; no other nation has made so great a success of self-government in its varied forms. Yet almost all other civilized peoples administer their laws more carefully and

thoroughly than we are willing to do. *Poor administration of laws is probably the price which we pay for liberty*, as we have wished to interpret that phrase. But the price is a high one when applied to municipal government, which consists of little more than administration.

176. Municipal Reform. — If, therefore, a city expects to remedy what are really characteristics of American government by adopting a *new form of municipal organization* or by awakening a greater public interest, it is very much mistaken. We are deeply attached to our ideas of government and of liberty, and the city happens to be the scape-goat.

Defects which we must not expect to eradicate.

If we cannot adopt new principles of government for the sake of our cities, we can at least remedy some exceedingly serious evils. We can be willing not only to adopt such a form of city government as will be best suited to the needs of each municipality, but we can also be ready and willing to give more attention to municipal affairs. We can elect officials who thoroughly understand their business. We can demand a much more complete enforcement of law and a much better supervision of municipal activities than we have had in the past.

Defects we can eliminate.

It is unnecessary to enumerate the specific conditions and difficulties which have made good government impossible in cities. Most of these, graft, the ward politician, unscientific financiering, and disregard for the welfare of the city, are gradually disappearing. "The future is bright with promise."

The past and the future.

MUNICIPAL PUBLIC UTILITIES

177. The Problem. — Possibly the greatest problem confronting our city governments is the question of public utilities. There are five public utilities which are needed in every city; these are *water, gas, electricity, transportation, and telephone service*. In cities the householders cannot furnish their own supply of water, and most of them must depend upon others for light, transportation, and tele-

Shall public utilities be owned by the city?

phone service. Among a municipality's necessary duties is that of deciding whether these utilities shall be provided by private corporations or by the city, in other words, whether the city shall have municipal ownership of any or all of these utilities.

Reasons why public utilities are natural monopolies.

These are not only public utilities because they furnish necessities which cannot be provided by each citizen for himself, but because they are natural monopolies for several reasons. First, duplication of plants is expensive. It is much better to have on each street a single water main than to have two or three companies competing over the same area. One public service corporation can give better service than many. Secondly, it is more convenient and satisfactory to have one transportation company or telephone company (§ 183) than to have two or more companies. We have discovered from experience that competition between public utility corporations is absurd in theory and a failure in practice. Thirdly, these are monopolies because the service in most cases cannot be separated from the plant through which it is provided, *e.g.*, we must get gas from pipes which connect us with the gas manufacturing plant. It is, therefore, wisest to accept the fact that public utilities are monopolies and to treat them accordingly.

Need of protecting certain public interests.

178. Conditions Affecting the Problem. — There are three reasons why our cities should find the best means of dealing with this question of public utilities. (1) Our *streets are public property* and should be used solely for the good of the people. If we give individuals or corporations permission to lay tracks or water pipes, or to erect poles which carry electric wires, the benefits accruing to the citizens should be in proportion to the privilege granted. (2) The *cities should receive an income* for the use of the streets for these purposes, whether the business is conducted by the city or by private parties. (3) The citizens should have the benefit of *good service at reasonable rates*.

In brief the problem is this: by what means is it possible for the city to secure for its people the best service from every

point of view? If it is possible to have good management of a municipal utility, then municipal ownership would seem to be most desirable. If, on the contrary, a system of public regulation by the municipal authorities has been worked out rather fully, private ownership is stripped of many disadvantages.¹

Different solutions for differing conditions.

179. The Question of Franchises. — If a public utility is privately owned, the private corporation must secure a franchise from the city council or the state legislature, nowadays usually the former. The conditions under which a franchise may be granted by a city are often stated in general terms in the state law and further described in the city charter. Years ago it was customary to give franchises for long periods without requiring anything in return.²

Value of franchises granted to private corporations.

Modern franchises are not as likely to be secured through the bribery of councilmen or legislatures, especially if a referendary vote may be taken before the franchise is granted. It is customary in larger cities either to sell franchises to the highest bidder or to prescribe that a minimum per cent of the annual gross receipts from the operation of the utility shall be paid into the city treasury. Franchises are no longer perpetual, but run now for a definite number of years, such as twenty, twenty-five, or thirty, or they are "indeterminate."³ If the granting of franchises is left solely with the city council or commission, the opportunities for bribery, and the temptation for the present administration to sacrifice the city's future for temporary gain to itself, form an appalling menace to good city government.

Methods of granting modern public utility franchises.

¹ Wherever there are state public utility commissions well organized and really protecting public interests, regulation has been adequate. In consequence municipal ownership has made little progress in those states.

² It is estimated that in some of our larger cities only one quarter of the present value of public utility corporations consists in the actual value of their plants, rolling stock, and other property. That is, three quarters of the present market value of their stocks and securities consist of franchises granted to them for little or nothing by our government, and represented in their stock by "water."

³ If a franchise is indeterminate, no time limit is prescribed but a definite price for the property is fixed, or a method of determining the price arranged, with the right of the city to take over the property on payment of a reasonable amount.

Municipal ownership due to large original costs but small expense of operation.

180. **The Water Supply.** — All but three or four of our larger cities now have municipal ownership of water or have made arrangements for public ownership of the present private plants. The business of supplying water is different from that of most other public utilities in this respect, that *the cost of operating a water plant is relatively very small*; and we should notice that it is in connection with operation that municipal ownership has been most defective. On the other hand, *the initial cost of a water system is usually quite high*.¹

Necessity for a pure and abundant supply of water.

The real reason for municipal ownership of municipal water supply is not economic but social. *Water is far more a public necessity* than even light, transportation, or telephone service. The ordinary water supply is used for drinking by a very large percentage of the city dwellers. Every household needs an additional supply and every house with grounds uses a large amount. It is, therefore, necessary and desirable that the water should be not only pure, cheap, and abundant, but that it should be carried to all households within the city limits.

Advantages of public over private ownership.

Since epidemics of typhoid and some other diseases have been traceable to impure supplies of water, cities are willing to go great distances to get pure water² and to incur considerable expense in installing filtering plants, whereas private companies, interested in profits, would do neither. Moreover, many cities have been farsighted and have secured sources which will give abundant water in decades to come, whereas private companies were far more content to look after only the immediate needs of the community. Last but not least, municipal ownership and management has not only reduced the price of water in most communities, but has accumulated a surplus for improvement and

¹ It is necessary to go long distances in order to find a lake or series of streams from which a supply of pure water can be obtained. The cost of getting this water supply and its watersheds, the great expense of constructing conduits for a long distance, of building large reservoirs, and of laying a network of pipes along the streets makes the original outlay very heavy.

² For example, Los Angeles, California, has gone more than two hundred miles.

extension of service which has relieved the city of continued expense. Municipal ownership of water is one of the great successes of American cities.

181. Gas and Electricity. — A fairly large number of cities have undertaken to furnish their own electric light for streets and public buildings. Some of these also furnish electricity to householders. In a few cases the municipal plants have a monopoly of the lighting privileges within the city, *i.e.* the householders must obtain their lights from the municipal plant, as no other has been established. Municipal plants have reduced the high rates formerly charged by the private companies, whose stock had undoubtedly been watered extensively. The success of these undertakings in small and medium-sized cities seems to indicate that municipal ownership of electric lighting will be still more common in the future.

Municipal
electric
plants.

Before electricity became the common means of lighting, a few cities provided for public gas plants. These were not well managed, as in those days municipal government was at its worst. Since gas is used more commonly nowadays for heating than for lighting, we need not go into the rather interesting, if somewhat scandalous, history of municipal gas plants which were publicly managed or were rented to others.

Unfortunate
old experi-
ence with
municipal
gas plants.

182. Transportation Facilities. — As the population in the centers of American cities has become congested, it has been necessary to develop transportation to the suburbs. Although transportation systems have grown rather rapidly, they have failed to keep up with the needs of urban growth. The problem of transportation supervision or control has been especially serious in localities such as the borough of Manhattan, New York City, in which the growth is restricted to a single direction.

Seriousness
of the trans-
portation
problem.

Street railways have been, in a sense, the most difficult problem connected with public utilities. Since streets desirable for car tracks are limited in number, private corporations have secured, often through bribery, advantages

Defects of
private
service.



MUNICIPAL RAILWAY CAR, SEATTLE.

which should have been retained by the public. The *worst abuses of private ownership* in connection with public utilities has been shown in the misuse by street car companies of important thoroughfares and in the

inexcusably poor service which has been rendered the public by private transportation companies.¹

Importance
of better reg-
ulation of
transporta-
tion.

With the advent of the *jitney bus*² to supplement the street railway, public ownership³ of transportation facilities has become less desirable than formerly in the less congested cities. In consequence, there is at present



A JITNEY BUS

¹ Two ways have been suggested of avoiding these evils. The first is to have the cities own and manage the street railways; the second, to grant, for a short term of years, franchises which give the cities control over the private companies, and which arrange to have a percentage of the profits paid into the city treasuries. The second method seems to be more popular and the one more likely to be universally adopted.

² In many western cities a remedy for poor service has been sought in the jitney bus, an ordinary or specially arranged automobile in which passengers are carried. The jitney bus runs in competition with the street railways, and, not being subject to regulation in the same way as the street railway, has complicated the municipal problem quite as much as it has relieved congestion of transportation. Probably in time the jitney bus will be used to supplement the street railway, particularly on streets and in localities not reached by systems of car tracks.

³ In only two cities, Seattle and San Francisco, has public ownership of street

a demand for *better regulation* than in the past. There is no reason why, if street railway franchises are drawn properly, the private transportation companies should not be forced to live up to the franchise requirements and give the good service which the franchise requires. The present street railway problem in most American cities is preëminently a problem of supervision and regulation.

183. Telephone Service. — Nowadays a telephone is a necessity for all business men and many other residents within a city, and to many people in the country. Ordinarily in each city there was at first but one telephone company. This gave such poor service and charged such high rates that, following the usual American method, a competitive system was started. Experience of many years with two competing telephone companies has shown us that a telephone system, as well as those for water and transportation, can give the best results if it is a monopoly.

The need of one telephone company in each city.

Since telephone systems even more than transportation companies and water systems are interurban in character, it has been found best to regulate them through *state public utility commissions*. If separate telephone companies are allowed or forced to combine under proper regulation and control, there is a real public gain, if the new monopoly is held by the state commission to a high standard of efficiency and good service.

Possibility of combination under state public utility commissions.

184. Municipal Ownership vs. Private Ownership. — Whether the best results can be obtained by private or public ownership of public utilities depends largely upon circumstances. When *the original cost of the undertaking is large* in proportion to the annual expense of operation, as in a system of waterworks, the advantages of public ownership are especially evident. On the contrary, any public utility in which large numbers of men are employed is apt to be mismanaged by municipalities which do not use

General conditions favoring public or private ownership.

car lines been attempted at all as a remedy. Each of these cities owns a few miles of track and has tried a municipal railway. Boston owns its own subway. New York owns subways, but has rented them to private corporations.

efficient methods in selecting and maintaining a group of employees.

Why graft has little to do with the problem.

The chief criticism of public ownership, that it will be inefficient because graft and other corrupting forces are at work, is not a criticism of municipal ownership but of municipal administration. There is little more danger from graft and inefficiency in the *management of public utilities* than there is from the *corrupt granting of valuable franchises*. If graft exists, no system of handling public utilities is good.



KIOSKS ON COMMON, BOSTON (MUNICIPAL) SUBWAY.

If inefficiency and lack of public interest persist, the public will be the loser, whichever method is adopted.

Disadvantages of private ownership.

The chief disadvantages of private ownership may be summarized as follows: desire for profit rather than good public service, lack of interest in keeping up the service, unwillingness to extend service into districts which will not be immediately profitable, use of bribery and wholesale graft to obtain franchises, need of maintaining control of the city government in order to prevent the city from regulating the utility, the high charges which are paid as interest on watered stock, and the inefficiency of public regulation.

The chief disadvantages of public ownership are these: poor management because the city is not a wise selector

of employees, constant modification in the policy through political changes, danger that politics will be controlled by business, danger that the city may not use good judgment in planning work and therefore may call upon taxpayers to supply deficiencies and government losses.

Disadvantages of public ownership

Certainly municipal ownership has not progressed as much in America as in Europe.¹ Eminent European investigators have urged that, until American cities are better governed, they should leave most public utilities in private hands. If better systems of control remove the worst evils of private ownership, we can combine the greatest advantages of private initiative and enterprise with a farsighted system of public supervision.

The outlook

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¹ Of the fifty largest cities in Great Britain and Germany the following have entered on the policy of municipal ownership:

IN GREAT BRITAIN	OWN THEIR OWN	IN GERMANY
39	Water Supply	48
21	Gas Supply	50
44	Electricity Supply	42
42	Tramways	23
49	Baths	48
44	Markets	50
23	Slaughterhouses	43

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Questions

1. What was the population of this city, according to the latest census? What was the percentage of growth during the previous decade? What is the area of the city?
2. What date does the present charter bear? Was it given to the city by the state legislature? How may it be amended?
3. What form of city government have we at present? How long have we had it? To what extent is it satisfactory?
4. For mayor and councilmen or commissioners: give term of office, method of selection, powers as individuals or as a body.
5. Name advantages and disadvantages of each form of municipal government: (1) old style mayor and council, (2) centralized mayor and council, (3) commission, (4) city manager.
6. What other officials and what boards are elected by the voters? How is the police board chosen? the board of health? Have we a board of public works? Is there a civil service commission in this city to examine applicants for positions?
7. Explain the problems of city elections and municipal finance. What is a budget? Are the finances of this city well managed?
8. Is there a housing problem in this city? If so, what has been done toward its solution? What progress have we made in city planning? What city parks and playgrounds have we, and what have they done for the city?
9. What are the most conspicuous failures of American cities? How have we remedied many of the minor failures? How can we remedy others? Why must we not expect as great success in municipal government as in national government?
10. What is a public utility; a franchise? What are quasi-public corporations? Does this city own a system of waterworks? If so, when was it constructed or purchased?
11. By whom are street railway franchises granted? for how long, usually? Do the railways pay the city a percentage of their earnings? Are all under a single company, or are there competing lines?
12. Under what conditions is municipal ownership of public utilities advisable? Under which is it unwise? What system of caring for public utilities is good under poor government?

CHAPTER XI

STATE AND COUNTY GOVERNMENT

COUNTY AND TOWN GOVERNMENT

185. Local Government in the United States. — At the present time we have three types of local government in the United States: (1) the *town* type, (2) the *county* type, and (3) the *compromise* type. In the six New England States, the town with its town meetings still looks after all important local needs of the inhabitants. In the South, the counties and their officials take full charge of local affairs, for many of the counties are not subdivided even into school districts. But in the majority of the states, the compromise system prevails, each county having townships with a few unimportant duties, while all other local public business is transacted by the county officers.

The three types of local government.

We must not forget that our local governments are but parts of the system of state government. *The local governments derive their authority, not from the people of the localities, but from the people of the whole state.* The local governments are, therefore, one set of agents carrying out the wishes of the people of the states, the other set of agents being the central governments of the states.¹ Our local governments are chiefly occupied with the administration of laws made by the state legislature and of ordinances passed by the county and town boards. Few of the local officials are called upon to deal with great questions of public policy, but they are obliged to devote their attention to a multitude of details in caring for the health of the people, in laying out

Interdependence of state and local governments.

Local officials have numerous administrative duties.

¹ It will be seen by a comparison of §§ 138, 175 above and §§ 190, 195 below that our American states have a great degree of *legislative centralization* and an equal degree of *administrative decentralization*.

roads and constructing bridges, in maintaining public schools, in arresting and punishing law breakers, in keeping records of all public business, besides looking after numerous other matters of more or less importance.

Public
corporations.

186. Counties and County Boards. — Counties are the chief political subdivisions of the state and are usually public



NEW HAVEN COUNTY COURT HOUSE, NEW HAVEN, CONN.

corporations. A public corporation has the right to acquire land for the erection of public buildings, assess and collect taxes permitted by the state constitution, collect debts and enforce demands by bringing suit against individuals or private corporations, and sustain suits if any one has a claim against it.¹

¹ As townships are rare in the South, many duties fall to the lot of the southern counties which elsewhere belong to towns or villages.

Until the middle of the last century legislatures were in the habit of organizing counties when they pleased, selecting county seats, and deciding what officials each county should have, besides their salaries and duties. Before 1830 the selection of most county officials was made by the legislature, but later it was

Since the people of each county select their officials and since practically all of our state and local laws are administered by local officials, our counties have a great degree of political freedom,¹ especially as they frequently may enforce state laws or not, as they please. Consequently the American people have what is usually considered the most vital form of local self-government in existence.

Great extent
of local self-
government
in America.

Every county has a supervisory body which makes most of the county ordinances and oversees the actions of the other officials. The members of the county board may be known as *commissioners*, *supervisors*, *justices of the peace*, or by some other name. They are usually three or five in number, and are elected either from the whole county, from districts into which the county is divided for the purpose, or in some states from the townships. As a board their *chief duties* are to divide the county into school and road districts and even into townships, to lay out public highways, to construct bridges, to look after the poor, to erect public buildings, and, most important of all, to determine the amount of money needed to do the work of the county and to supervise its expenditure.

The county
board.

187. Other County Officials. — There are ordinarily county *judges* who are in fact state officials (§ 198), although elected by the voters of each county. The decisions of these judges, and of all higher state courts that must be executed within the county, are carried into effect by the *sheriff*, who, by virtue of this duty and the more general one of maintaining peace and order, is the most powerful of the county officials.

Judges and
sheriffs.

left to the people of the counties to elect or appoint them. During the late decades of the nineteenth century, however, it was customary for the voters to be consulted in the selection of a county seat and in the division of a county into two or more counties (§ 117).

¹ In 1912 the county of Los Angeles, California, under a new provision of the state constitution, adopted the first county charter in the United States. This charter is a very brief instrument, but it modifies considerably the number of county officials elected by the people. It gives to its voters a very much larger share in the home rule of the county than was ever granted before by the state government.

Financial
officials.

Most of the revenue needed to maintain the government of an American county is derived from the general property tax (§ 154). This is usually assessed by township assessors, but it is paid to county tax *collectors*. When collected, the tax money is turned over to the *treasurer*, who divides it among the general fund, the highway fund, the school fund, and various others, in accordance with instructions from the county board. This money is not paid out except upon written order from the *auditor*, or of the county clerk in some states.

Other
county
officials.

The records of the county board, the proceedings of the courts, and other official papers are preserved by the *county clerk*. When a suit in which the county is interested or a criminal case is being tried in the county courts, the interests of the county are represented by the *district attorney* or his assistants.¹

Government
of the New
England
town.

188. The American Township. — The essential feature of *New England town government* is the mass meeting of the voters, held at least once a year in the town hall. At this *town meeting* the men elect public officers, vote taxes, authorize important enterprises, and express approval or disapproval of the acts of the town officials during the preceding year. The town officials in New England are very numerous, as the town must perform work which in other sections is left to the county. The most important of these are the *selectmen*,² who have general oversight of town affairs.

¹ Upon the county *superintendent of schools* devolves the task of visiting schools and regulating the county school system, and often of superintending the distribution of school moneys. The *coroner*, with the aid of a jury, investigates the causes of violent or mysterious deaths. All deeds, mortgages, and other business papers for whose validity a record is necessary, are copied by the *recorder*. Many states have county surveyors to look after the public lands, separate overseers of the poor, public administrators who take charge of the estates of persons dying without wills, and other officials.

² The selectmen number three or nine, and are elected usually for three years, but sometimes for only one. Next to them in authority are the members of the school committee, one third of whom retire each year. As most of the state and local taxes are collected in the towns, the assessors hold very responsible positions. There are town tax collectors, auditors, treasurers, town clerks, and constables, who are elected yearly at town meetings. To the overseers of the poor and to the overseers of the highways are assigned duties performed in most of the states by the county boards and their assistants.

In New York and in two or three of the north central states, town meetings are held for the election of officials, but the duties and powers of these meetings are exceedingly limited, although the town officials may be numerous and their powers quite extensive. If townships exist at all in the other states, they are usually districts with judicial officers, constables, overseers of the highways, and school boards only.¹

Townships
outside of
New
England.

189. The Work of Rural Local Government. — Town and county officials have *double duties* to perform, as they care for all purely *local* interests of their towns or counties, and, in addition, administer almost all *state* laws within their boundaries.² Under the former head come all local improvements which are not of especial interest to those outside of their locality, such as the construction of local public buildings, and the laying out of local roads, measures to protect the public health from purely local dangers, and the enforcement of such local ordinances as may be needed.

Purely local
duties.

A much greater amount of work is performed in carrying into effect state laws. These state laws are usually *general* and may be modified frequently to meet local needs. The *schools* furnish a good example of this combined action of the state and the localities; for, while the state creates a state school system, in the administration of the general state law each locality is able to establish schools that meet the wishes of its people (§§ 242-247). Most laws in regard to *crime*

Local admin-
istration of
general state
laws.

¹ In most of the newer states these townships coincide in area with the rectangular congressional township. In some parts of the United States, moreover, there are no important political divisions of the counties except the school districts. These may have overseers of the poor and highways, as well as school trustees, and are undeveloped towns in fact, if not in name.

² It has been the custom to allow each locality to administer these general laws in the way that seemed best, without much attempt to obtain uniform results in different counties of a state. Local pride and interest can usually be counted on to establish as good a school system as each community can afford. Few towns will neglect to preserve order. In many respects, however, the best results cannot be obtained unless the local officials are supervised by state authorities. For example, many states have improved their school systems by withholding state school funds from the localities if they fail to reach a certain minimum of efficiency. There has been a decided tendency in recent years to increase state supervision of local activities.

and the punishment of crime are made by the state and enforced by local police officers and judges (§§ 138-142). Except for the most serious crimes, offenders are punished in local jails and other institutions. Formerly there were many problems and difficulties in the enforcement of liquor laws or of "local option" laws. National prohibition (§ 260) has replaced all of those regulations. In many states there are laws for the care of the *poor*, but little effort has thus far been made by the state authorities to administer such laws (§§ 250-254).

THE STATE LEGISLATURE

Legislative
powers.

190. **The Importance of the Legislature.** — Besides the local governments of each state, that is, the city, county, or township governments, each state has a central government made up of the three departments, the legislative, the executive, and the judicial. *The legislatures overshadow the rest of our system of state government*, since they not only make laws upon all subjects that are not expressly and exclusively granted to the American Congress, or denied by the national or state constitutions to the legislature, but they may also interfere in many ways with the work of the other departments of the state government. All of the general laws under which our local governments and schools are organized, those referring to the state and local courts and procedure in these courts, those dealing with the making and enforcement of contracts, the transfer of property, marriage and divorce, with the prevention of the spread of diseases, with the incorporation of business houses — all of these form only a part of the vast number under the charge of the legislatures. The whole covers a set of subjects of the first importance not only because they are so numerous, but because all are of such interest to us in our home and business life.

Restrictions
on powers.

We can probably obtain the best idea of the enormous power possessed by the legislatures if we mention the re-

strictions placed upon them (§ 193), but we must not forget that the powers exercised by the legislatures greatly outnumber those denied to them.

191. Organization of the State Legislature. — The legislatures in all American states are composed of two houses, a smaller always called the *senate* and a larger usually known as the *house of representatives* or the *assembly*. As a rule the legislatures meet every second year for a period of sixty or ninety days. The members are paid by the day or receive a definite sum for each session. They have privileges which are the outgrowth of struggles between Parliament and the English king or between the colonial legislature and governor in the eighteenth century.¹

Houses and sessions. Privileges of the legislators.

In most states members of the senate are elected for a period twice as long as the term of the members of the lower house, one half retiring at a time. The *senate* usually has the right to confirm or reject appointments made by the governor. It usually sits as a court to try officials who have been impeached by the lower house. The *lower house* in some states has the exclusive right to propose bills for the raising of revenue.

Terms and special powers of each house.

192. The Process of Lawmaking. — As a rule, the state constitutions prescribe the steps to be followed in making laws. First of all, a *bill*, as it is called, is introduced in one of the houses of the legislature by some member. The character of the bill is indicated by its title, which must not include more than one subject. After the clerk has read the bill either in full or by the title, it is usually sent to the committee having charge of all subjects similar to those of which the bill treats — in technical language, the bill is *committed*. If the committee does not see fit to bring into the house a report upon it, it is said to have been “killed in committee.” If fortunate enough to escape this fate, it is *reported*, read a second and third time, and possibly debated or amended. Finally it may be brought to a *vote*, and if

In the houses.

¹ They are also subject to certain disabilities, *e.g.* they may not be appointed to a lucrative position created during their term of office.

avored by the majority required by the state constitution — usually one half of those elected to the house — it is signed by the presiding officer and sent to the other house. Again it must go through the three readings on three separate days, and, if approved, is sent to the governor.

The
governor.

The governor has from ten to thirty days to decide whether he will sign the bill. If it is objectionable to him, he returns it to the house in which it originated with his reasons for *vetoing* it.¹ If, however, in spite of his veto, a large majority in each house still wish the bill to become a law, it is "passed over the veto" and becomes a law without the governor's signature.

Older forms
of limitation.

193. Limitations on the Legislature. — Since the Revolutionary War the power of the legislatures has been reduced greatly by different provisions of the state constitutions. Some of these have been prohibitions on the legislatures, for example, *bills of rights* which protect individuals, or enumerate topics on which the making of laws is prohibited. The authority of the legislature has been limited also by the enumeration of long lists of subjects on which it cannot make *local* or *special* laws. On these subjects only general laws are permitted, because of abuses which occurred when a law applied to one person, a single locality, or one corporation.

Limitation
by the use of
the state-
wide initia-
tive and ref-
erendum.

Within recent years the power of the legislature — theoretically in nearly half the states and actually in several of them, especially Oregon — has been reduced by the adoption of the initiative and the referendum (§§ 116-120).

General de-
fects of our
state legis-
latures.

194. Observations on the State Legislature. — In spite of the very great importance of the work done by the state legislature, it impresses many critics as one of the least successful features of our political system. It has been shorn of its power until there has been difficulty in securing the

¹ The governor has no veto in North Carolina.

The veto of the governor is unlike that of the President (§ 232) in that the governors in more than one half of the states may veto particular items in appropriation bills, thus making it unnecessary to leave the state without revenues because of some undesirable appropriation or objectionable "rider."

best men as legislators. This in turn has intensified the *distrust* with which the people have viewed the legislature and its powers. Undoubtedly *lobbying* and the pernicious activity of politicians, corporations, and other people who could not honestly be called disinterested, have interfered with the regular work of the legislature and given it a bad reputation.

In its attempt to reduce the length of the legislative sessions, the public has aggravated another evil of the legislature, that of making too many laws.¹ Shortening sessions has not diminished the excessive number of laws which our legislatures have passed, but it has limited the time which could be given to the consideration of each law. Consequently we have added badly constructed and hastily adopted laws to a defect common in all democracies, that of *too much legislation*.

The excessive amount of hasty legislation.

Remedies for these evils and for conditions almost as serious are not to be found in the adoption of a new constitutional amendment or in the enactment of a few wise laws. We must go deeper and, if necessary, define more exactly the work of the legislature; we must use more care in the selection of our legislators; we must recognize the right of any state official to our trust and confidence until he has proved unworthy; we must seek to form an educated public opinion which will tolerate only first class men, wise laws, sane legislation, and a well organized system of state government.

Remedies in public spirit and public education.

STATE ADMINISTRATION AND COURTS

195. The State Governor. — *The enforcement of state law* is intrusted to certain persons connected with the state government or to the officials of the cities, towns, and counties

Local and central administration of state law.

¹ It is said that, within a period of five years, more than 60,000 laws were passed by our state legislatures, 90 per cent of which dealt with business. During a period twice as long Great Britain and her colonies passed only 1800. Even then the latter number was many times as large as the total number of laws passed by England during several centuries of Anglo-Saxon rule.

of the state. As most of the laws are carried out by local officers, comparatively few duties are left to the governor, the secretary of state, and other state officials, who are mainly occupied with routine work.

The governor is by far the most prominent and powerful executive official of the state. Around his election centers



EXECUTIVE OFFICE,

Importance
of the
governor.

the chief interest in state politics. He is usually chosen for a term of two or four years. More than any other one person, he determines what the policy of the state government shall be, and he receives the praise for success and bears the blame for mismanagement in the different executive departments.

The governor is able to control the actions of only a few state administrative officials and practically no local administrative officers, for few of the state officials are ap-

pointed and removable by the governor and therefore responsible to him. At the present time, however, there is a very strong movement to concentrate more power in the hands of the governor, giving him more control not only over his colleagues but over some local administrative officials who administer distinctively state laws.

Administrative control of the governor.



PENNSYLVANIA STATE CAPITOL.

© William H. Rau, Philadelphia.

196. Powers of the Governor. — Although the executive power of the state government is divided between the governor, the governor's colleagues,¹ other administrative officials who are elected at the same time or appointed by

General executive and administrative powers.

¹ The governor's colleagues who are elected by the people include a lieutenant governor in about three fourths of the states, a secretary of state, financial officials, especially a controller or auditor, and an attorney-general. In addition, many of the states elect a large number of officials who in commonwealths with more centralized governments are now appointed. These may include treasurers, superintendents of public works and public instruction, surveyor-generals, public printers, and others.

some higher official, and administrative boards or commissions of which there are often a great number, the governor retains a much larger share than any other official or group. Offices to which he may make *appointments*, usually with the consent of the senate, are both numerous and valuable, and his power of *removal* while not great is constantly increasing. He often has one judicial power, that of granting *pardons*. Ordinarily he is the *commander-in-chief of the state military forces*, the militia. In time of crises this military power adds greatly to his civil authority in enforcing state laws.

Legislative
powers of the
governor.

The governor's most important powers, possibly, are those relating to the legislature and to legislation. He may send messages to the legislature and has the power to call special sessions of that body. His right to *veto bills* is undoubtedly his most valuable legislative power. Only one of the states does not allow its governor to veto bills.

Superin-
tendents,
commissions,
and boards.

197. Organization of the State Administration. — Our state governments have numerous duties to perform in overseeing the administration of state law. At the head of the *school systems* of the states are state superintendents and state boards of education. The regulation of the *railways* within any state is intrusted to a state railway commission, or a state public utility commission (§ 288). State boards of *health* and of *charity*, state *labor bureaus*, and many others constitute separate departments which aid in administering state laws.¹

Centralized
and decen-
tralized
systems.

In several states the general oversight of the administration of the poor laws and the penal laws is intrusted to a *single state board of charities and correction*. Much more frequently the states have separate boards of charity, prison boards, commissions for the insane and others. Each of these distinct commissions has but a single set of duties,

¹ As a rule, the boards in charge of these administrative departments are appointed by the governor of the state for terms of several years. Many of the boards are bipartisan; that is, composed of an equal number of members from each of the two great political parties. In a few states, some of the boards are elected from districts.

and it usually makes *no effort to work in harmony with the other boards* which have charitable or corrective work. Many states have recently combined not only many commissions into a single department of charities and corrections, but they have united other separate boards if their duties are alike.

198. The State Courts.—Our state and local governments perform many more tasks than does the national government, and these duties bring them into close touch with the citizen in his everyday life. Because of this fact, almost all civil and criminal suits brought for trial in the United States are tried in *state* courts, rather than in those of the nation. Not only are these suits begun in state tribunals, but, if they do not involve points of national law, the decision of the highest state courts to which the case may be carried is final, for the case may not be appealed to any other court whatsoever.

State and
national
courts.

At the apex of every state judicial system is a single court, to which all important cases may be appealed for final decision. This *highest court* has, as a rule, no original jurisdiction; that is, it considers only those cases tried first in a lower court.¹ Below the highest court, each state is divided into a suitable number of circuits or districts over each of which presides a court, called a *circuit* or *district court* as the case may be. These courts may have original jurisdiction in important suits, but most of their time is spent in trying appeal cases, which come from those next lower, the *county courts*. The judges of these courts are in one sense county officials, because they are elected by the voters of the counties, although the cases tried before them involve state laws

Different
state
courts.

¹ Some of the states call the highest court the *Court of Appeals*, and have in addition another court for the whole state, which is known as the Supreme Court; but some of them have only one court for the entire state, the name *Supreme* being usually applied to this.

The number of judges in these courts is usually three, five, or seven, and they are ordinarily chosen for a long term of years by the voters of the entire state. Occasionally they are elected by the voters of districts equal in number to the number of the judges, but in six states they are appointed by the governors, and in five by the legislatures.

more frequently than local laws. The base of the judicial pyramid is formed by the country *justices of the peace*, or by the *city courts*, criminal and civil, whose jurisdiction is of necessity wholly original and confined to minor cases or those involving local laws.

Judges and sessions.

Except in a few of the Eastern states, these *judges are elected* by the voters of the section within which the court has jurisdiction, and, with a few notable exceptions, elections are held at least every four years. As the business of the inferior state courts is more voluminous than important, each judge holds court separately, whereas in the higher courts all the judges constituting the court usually sit together for the trial of cases.¹

FUNDAMENTAL LAWS AND SPHERE OF ACTIVITY

Powers directly or indirectly denied to the states.

199. Sphere of State Action.—It is difficult to realize the variety of activities left to the states, that is, to the people of the states governed through their "state" and local governments. We may get some conception of the extent of their power if we notice what powers are denied to the states directly or indirectly. All powers granted to the national government alone are indirectly denied to the states.² In addition the United States Constitution enumerates many powers which the states may not assume.³

¹ That all of these judges are really state officers, even when elected by the localities, may be shown by the statement that they are removable in most of the states by the legislatures, either through impeachment or by a majority vote of both houses.

² The United States Constitution enumerates the *powers granted to the national government*, such as the right to levy taxes, declare war and make peace, provide an army and a navy, arrange treaties, regulate foreign and interstate commerce, coin money, and govern national territory; and the same Constitution mentions which of these powers and what others are especially forbidden to the states.

³ No state can engage in war or raise an army unless actually invaded, nor collect duties upon imported goods except for the national treasury, nor make any treaty. The states may not coin money, issue paper money, "make anything but gold or silver a tender payment of debts, pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility." Furthermore, no state may establish a system of slavery, "make or enforce any law which shall abridge the privileges or immunities of citizens

Unless, however, a power is granted to the United States government exclusively, or denied to the states in explicit language, it may be exercised by any state as it sees fit. This very broad sphere of state activity we shall consider under the three following heads: (1) a summary of the classes of duties performed by the states; (2) the uniformity and diversity in legislation and administration among the different states on the subjects left to their control; and (3) the constitutions under which these powers are actively exercised.

Powers left
to the states

200. Classes of Duties performed by the States. —

We may consider briefly five important classes of duties performed by our states. (I) The first of these deals with *state and local government*, subject to the limitation of the national Constitution that the governments shall be republican in character. The states create such "state" and local governments as they please under such constitutions as they wish, provided the constitution does not seek to exercise any of the powers which are forbidden. In addition the people of the states also decide who shall be voters, that is, who may take part in the work of governing either state or nation.¹

Duties dealing with
state and
local govern-
ment.

(II) Individual rights are protected from government officials far more by our state constitutions than by our national Constitution, because the rights with which the officials are likely to interfere are rights which we have under the state governments.

Constitutional rights
of the indi-
vidual.

(III) The states have practically entire charge in making all laws dealing with our personal relations with one another, the laws dealing with property, and the laws under which almost all of our business is done, including the organization of corporations (§ 277). The *legal relations* of husband to

Vast scope
of the private
laws of the
state.

of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." No state is allowed to abridge the right of citizens of the United States to vote on account of race, color, or previous condition of servitude.

¹ Theoretically, this power is limited by the fifteenth amendment.

wife, of parent to child, of employer to employee, of principal to agent are determined by the states and not by the national government. For example, all our *marriage* and *divorce* laws, laws relating to *labor*, any law dealing with *contracts* which one person makes with another are state laws. Our right to *hold real or personal property*, to *buy or sell anything*, or to inherit a bequest is exercised under state laws.

Work of the
state courts.

(IV) The enumeration of individual rights in the state constitution and the making of the laws just mentioned necessarily involves some means of protecting those individuals whose rights under the constitutions or laws have been infringed by other persons. Our *system of state courts* seeks to protect any one who has been injured by another, in order that the innocent and defenseless may not suffer at the hands of the powerful and unscrupulous.¹

Administra-
tive work of
the states.

(V) The administrative work done by our states chiefly through the local governments is of almost infinite variety. One needs but to mention education (§§ 242-247), health (§§ 255-259), streets, public buildings, and other public improvements to give some idea of the scope of this work.

Why there
should not be
great diver-
sity in laws
in different
states.

201. Uniformity and Diversity in State Legislation. — Since the states, not necessarily the state governments, have the power to make such laws as they please in relation to the subjects which we have just considered, it is quite interesting to know whether the laws of the various states are very much alike. If the states have a dozen different kinds of laws regulating the making and enforcement of contracts, persons in different states cannot do business with one another. Nowadays we feel that these laws not only should be, but must be, more or less similar, for no

¹ As comparatively few crimes are committed in violation of national laws, practically all criminals are tried by state courts and punished in state institutions because they break laws which have been passed by the state legislatures for the protection of the rights and property of citizens. As most cases tried in a state court may not be appealed to a national court unless they involve national law, which comparatively few cases do, *the administration of justice in all those matters which concern us most closely is a phase of state activity.*

state is willing to depend upon its own people for all that it needs. *We believe that state boundaries ought not to be division lines between radically different systems of law.* Interstate trade or interstate travel is no longer a thing of rare occasion, but an everyday affair, and the need of uniformity in all of the great principles of state law is becoming constantly greater.

The degree of uniformity in state laws is much more marked than the diversity, because the *differences are ordinarily in DETAILS, while the GENERAL PRINCIPLES of state law are everywhere much the same.* As President Woodrow Wilson says: "We feel the conflicts because we suffer under their vexations; while we fail to realize and appreciate the uniformities, because they are normal, and have come to seem matters of course."

Uniformity in general principles of state law.

Variations in state laws upon important subjects, however, are quite numerous and often objectionable. An illustration of the difficulties of governing and the problems of proper control which are due to a lack of uniform legislation is furnished in connection with corporations (§§ 274-278). Another example of trouble caused by differences of state legislation arises in connection with divorce (§§ 82, 83).

Unfortunate diversity in corporation control and divorce law.

Various methods have been tried in order to secure more uniform legislation. In many cases conferences such as the annual meetings of state executives called the "House of Governors" have been held in order to agree upon desirable legislation or improved uniform methods of administration. Most important of all is the work of the Commission of Uniform Laws, recommending to their states the adoption of laws, forms, and methods which should be as nearly uniform as possible in all of the states.

Means of securing greater uniformity.

202. The Character of a State Constitution. — The nature of the government in any state and the extent to which it makes use of any powers in the state sphere of activities depends upon its state constitution.

Relation to the law of the state.

A state constitution is the *fundamental law* which the people of the state have arranged for their government and pro-

Relation to
the Consti-
tution of the
United
States.

tection. Unless they have overstepped the limit of the sphere of activity left to the state by the people of the whole United States, *their constitution can be modified only by themselves*. But *if any article of a state constitution is contrary to the Constitution of the United States, it must be revised*, because the national "Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding."

Ways of
changing a
constitu-
tion.

On the other hand, a *law* made by the state legislature which conflicts with the state *constitution* will be set aside by the courts as *unconstitutional* and void. The state constitutions can therefore be changed only by the *people* of the states, acting directly and through special representatives, except upon those rare occasions when an amendment to the United States Constitution affects the constitution of the state.¹

Proposing
constitutional
amendments
or general
revision of a
state consti-
tution.

203. The Adoption and Amendment of a State Constitution. — Each state constitution contains definite provisions for general revision or for specific amendment. Ordinarily the calling of a new constitutional convention or the proposal of a constitutional amendment is left with the legislature, but a few states have provided in their constitutions that constitutional conventions may be held at regular intervals varying from seven to twenty years. Some other states permit the proposal of constitutional amendments through the initiative (§ 116).²

In the legislatures a majority, usually two thirds, is re-

¹ For the same reason, the constitution of a state might be amended by the adoption of an amendment to the national Constitution which the state did not ratify.

² During recent years there has been a pronounced movement toward the reorganization of state administration and the improvement of state constitutions. The National Municipal League has had protracted conferences in an attempt to prepare a model state constitution.

quired in each house before an amendment is presented to the people for ratification or before the people vote upon the holding of a new constitutional convention. In some of the older states, however, amendments are proposed in one legislature and may not be submitted to the voters until they have been approved by a second legislature at least a year later. In any case the ratification or rejection of an amendment or a new constitution is always decided by the voters at the polls.

Adoption and ratification of a constitutional amendment.

204. The Contents of Our State Constitution. — Unlike our national Constitution, which is general and brief, practically all of the constitutions in the states are long and overburdened with numerous provisions. So detailed are many of these articles, and so unimportant are the subjects treated, that continual amendment is necessary in order that the constitution may meet in any degree the real needs of the people.

Need of continual amendment.

In every constitution, of course, there is a *Bill of Rights* which states some general principles of liberty and government and specifies those individual rights which shall not be disturbed by any state or local government or official. Necessarily there is a *frame of government*, which describes the composition and powers of the legislative, executive, and judicial branches of the state government and possibly of the local government. Equally necessary are the *provisions for amendment or general revision of the constitution* and for *suffrage*.

Bills of rights and frames of government.

In addition to these provisions which are truly constitutional there are elaborate statutes dealing less with the principles than with details of such subjects as education, corporations, taxation, public lands, public institutions, property, and several others of a hundred different possible topics. These statutes have made the newer constitutions almost like *codes* or summaries of statutes, which must, of course, be revised much more frequently than would be necessary for true constitutions.

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Questions

1. How many counties are there in this state? How do they compare in area and population? In what county do we live? What is its area? its population by the last census? What is the county seat? Is it centrally located? Is it the largest city in the county?
2. What name is given to our county board? How many members are there on it? Are they chosen in towns, in districts, or from the whole county? Name their principal powers.
3. What is the term of the elected county officials? Are all chosen at the same time? Are any county officials appointed by the state government?
4. What is the main political subdivision of this county called? How many are there in the county? Are they public corporations? What officers has each? Do they ever hold meetings of all of the voters within the district? If so, when and for what purpose?
5. How many senators are there in the legislature of this state? how many representatives? For what terms are they elected? What salary does each member receive? Is the senate a "continuous" body? If so, what proportion of the members retires at a time? (State constitution.)
6. When are state elections held? When and how often does the legislature meet? What percentage of members in the legislature are necessary to pass a bill over the governor's veto? Who is the governor of this state? Who are our representatives in the legislature? To what political party does each belong?
7. Give the term and salary of our governor. Has he the right to veto specific items in appropriation bills? What other elected state executive officials have we besides the governor?
8. Are the administrative departments centralized to any extent?
9. Give the names of the different courts in this state. How many judges are there in each court? Give the term of office of each class of judges.

CHAPTER XII

THE NATIONAL CONSTITUTION

HISTORICAL DEVELOPMENT

Reasons for
early unions.

205. Early American Unions. — Before the adoption of the first regular confederation among the states in 1781, several small or temporary unions had been attempted.¹ At first these were due to the need of concerted action against the French or the Indian tribes. The later unions were organized because the colonists wished to make common cause against the mother country.

Stamp Act
Congress.

In 1765, when the English parliament passed the Stamp Act, nine of the colonies sent delegates to a *Stamp Act Congress* in New York. This congress drew up a declaration stating that they could legally be taxed only by their own legislatures.

First Conti-
nental Con-
gress and the
American
Association.

The first real union of the colonies grew out of the inter-colonial Committees of Correspondence and the town committees associated with them in an organization known as the *American Association*. The Association was practically a national organization, because it included most towns and counties in the revolting colonies. It was formed in order to carry on the work of the *First Continental Congress*, which met in Philadelphia in 1774. This Congress maintained that

¹ The earliest of these was the New England Confederation, organized in 1643 by the four little New England colonies of Massachusetts Bay, New Plymouth, Connecticut, and New Haven. The central government was nothing more than an advisory board composed of two commissioners from each colony, who had little authority. Actually the Confederation lasted only about ten years. In 1754, just before the last war with France, a congress of the colonies was held at Albany, New York. At that time Benjamin Franklin proposed the Albany plan of military union, which provided for a president-general appointed by the English king and a grand marshal selected by the colonies. It was discussed a little, but was never considered seriously.

the colonies were "entitled to a free and exclusive power of legislation in their several provincial legislatures."

The earliest congress to represent a real union of the American people was the *Second Continental Congress*, which looked after all common American interests in the stirring years from 1775 to 1781. This congress was executive and legislature in one. It organized an army and a navy, regulated commerce, sent representatives to France and other countries, issued paper money, advised the colonies to form independent state governments, declared the united colonies free and independent of Great Britain, and proposed to the states the Articles of Confederation, by which their union was legalized. At no time, however, did it possess any *legal* authority for the powers of sovereignty which it actually exercised.

Great authority exercised by the Second Continental Congress.

206. The Confederation. — When the American colonies declared their independence of Great Britain, they also appointed a congressional *committee*, composed of one delegate from each state, to draw up articles of union. These articles were discussed for more than a year and were adopted by *Congress* in 1777. They were not ratified by all of the *states* until 1781.¹

Three steps in forming the Acts of Confederation.

This Confederation provided for a firm league of friendship among the several states, each of which claimed to retain "its *sovereignty*, freedom, and independence." It provided for an interstate citizenship, which was of real value in bringing the people together. The government consisted of a congress of from two to seven delegates from each state, each state having one vote.

Character and organization of the Confederation.

In theory, *Congress* controlled all matters of common interest, such as making war or treaties, creating an army and a navy, regulating the value of coin, arranging treaties with the Indians, and settling interstate disputes regarding

Powers of Congress.

¹ Most of the states gave their consent without delay, but Maryland refused to sign the Articles until her neighbor Virginia gave up her claims to that vast region in the West which she had considered a part of her domain. For this reason, it took from 1776 to 1781 to form the first constitutional union of the states.

land claims. Scarcely any important law, however, could be passed without the consent of nine states. To pay its expenses, it had authority to borrow money or issue bills of credit, but most of the revenue was to be obtained directly from the states, each contributing the amount which Congress thought just.

One fundamental and four specific defects.

In practice Congress was left at the mercy of the states. This was due to the great fundamental defect of the Confederation, namely that it was based upon *state sovereignty*. It was due also to four more important specific defects. These were (1) the failure of Congress to provide revenue for expenses, (2) the lack of effective authority to enforce laws, (3) the inability to regulate interstate and foreign commerce, and (4) the impossibility of remedying these defects because no amendment could be passed except by a unanimous vote of the states.

Importance of the Confederation.

If we compare the Congress of the Confederation with the Second Continental Congress, the latter seems more complete, but when we consider that the Continental Congress was exercising war powers without any direct legal authority — powers that in time of peace might disappear entirely — we can realize perhaps that the Confederation was a more perfect union than the one existing in 1776.

Beginnings of the constitutional convention.

207. The Constitutional Convention. — The need of amendment for the Articles of Confederation led first to the *Annapolis Conference* for the purpose of granting more authority over interstate commerce, and in 1787 to a constitutional convention held at Philadelphia. The convention was called solely for the purpose of revising the Articles of Confederation, and without any idea of making a new national constitution. The leaders in the convention, however, realized fully that a constitution based upon state sovereignty could never be satisfactory. They therefore proposed at the outset to abandon state sovereignty as the basis of a new union. Their foresight, wisdom, and courage in taking this important step has not been questioned by any succeeding generation.

At the beginning of its sessions, the convention took under advisement a plan for a type of national government entirely different from that of the Confederation. This "Virginia plan," drafted largely by James Madison, favored a *Congress of two houses*, the members of the lower house to be chosen by the people, and those of the upper house to be chosen by the lower from candidates nominated by the state legislatures. This Congress was to have very broad legislative power. The Virginia plan also provided for *an executive department and a national judiciary*.¹

Proposed organization of the new government.

208. Work of the Convention. — With little opposition the plan for a Congress of two houses was adopted. At once a dispute arose between the large states, which wished to have the membership in both houses depend on population, and the small states, which insisted that one or both houses should be like the Congress of the Confederation, in which each state had one vote. A bitter debate followed. It was settled by the first great compromise, known as the *Connecticut Compromise*. In the lower house representation was to be according to population, while the Senate was to be composed of two senators from each state, each of whom had a vote of his own.²

Compromise over representation in Congress.

The question at once arose, How should people be counted for representation in the lower house of Congress and for the levying of direct taxes, which was also to be "according to population"? The southern delegates did not wish to count the negroes when direct taxes were paid, but they did wish them to be enumerated when representatives were appointed. As the North wanted the opposite in both cases, a compromise was reached by which five negroes were counted as three whites when reckoning population for either direct taxes or representation.

The three-fifths compromise.

¹ The opponents of the Virginia plan suggested a set of revised Articles of Confederation which are known as the "New Jersey plan." This provided for a Congress of one house, with slightly enlarged powers, and for a separate executive and a system of national courts.

² As a concession to the larger states the House of Representatives was allowed to have the exclusive right to introduce measures for the raising of revenue.

Commercial
compromise.

North and South clashed again over the question of navigation acts and the slave trade. In the third and last compromise the South agreed to allow the passage of navigation acts by an ordinary majority in each house of Congress, on condition, first, that the importation of slaves should not be prohibited prior to 1808, and secondly, that exports should never be taxed.¹

Amendment
of the Con-
stitution.

In order that the Constitution might be changed when absolutely necessary, provision was made that amendments might be proposed by two thirds of each house of Congress or by a convention called at the request of two thirds of the States. If ratified by the legislatures or conventions in three fourths of the States, these amendments were to be added to the Constitution.

The con-
vention
closes its
sessions.

209. Adoption of the Constitution. — When its sessions had lasted from May to September, the convention agreed upon the Constitution as we have it now, without the amendments. Since it had been impossible to revise the Articles of Confederation except by unanimous vote, the convention agreed that the Constitution should go into effect between the ratifying states as soon as it had been accepted by state conventions in *nine* states.

Federalists
and Anti-
Federalists.

In order to secure the adoption of the Constitution, members of the convention and their friends organized themselves into a party known as the *Federalists*. Their opponents, who probably had the support of the rank and file of the people in most of the states, were known as the *Anti-Federalists*. It was evident at once that the small states had been pacified by the Connecticut Compromise. Practically all of them ratified the Constitution with little delay, and in some cases by unanimous votes. In three of the larger states, Massachusetts, Virginia, and New York, ratification was disputed seriously but was finally secured.²

¹ The latter was considered in the South an important concession because southern exports were the most important source of wealth in that section.

² Two states, North Carolina and Rhode Island, did not ratify at this time. The former entered the Union in November, 1789, and the latter in May, 1790.

THE CONSTITUTIONAL AMENDMENTS

210. Need of Amendment. — It was neither possible nor desirable that our Constitution or national government should remain unchanged during more than a century which has brought us a great expansion of territory, population, and national resources, and little less than a revolution in the means of transportation, in methods of doing business, and in the national feeling of the people. As a matter of fact, during the debates of the Philadelphia Convention, one of the delegates went so far as to assert boldly that no one expected the Constitution they were then framing would be in use a century later. Yet so well did "the Fathers" do their work that to-day the Constitution of 1787, with only seventeen amendments, is still the foundation of our federal Union and of our national government.

Social and industrial changes since 1787.

We must not suppose, however, that the Constitution is really the same now as then. Its *form* is almost identical with that of a hundred years ago, but its *spirit* has been modified greatly. In 1790 the people were much more attached to their state governments than they were to that of the nation. In consequence, the national government was not allowed to do many things that we consider perfectly proper, although *nominally* Congress had almost as much power then as now. This simply means that many of the *chief changes in the Constitution* since 1787 have not been made by constitutional *amendments* added to that document, but by a more *liberal construction* of the powers granted to the national government in the original Constitution. How the powers of the national government have been enlarged by a free interpretation of the Constitution and by usage, will be explained briefly after examining the seventeen regular amendments.

Character of constitutional changes.

211. The National Bill of Rights. — The first ten amendments, proposed by Congress in 1789 and adopted before 1791, provided a Bill of Rights. We may mention three classes of these rights: (1) those which prohibit Congress from

The first eight amendments.

restricting ordinary individual rights, such as religious liberty, freedom of speech and of the press, the right to petition the government, and the right to bear arms. (2) Amendments five (§ 126) to eight give accused persons the right of a speedy jury trial with every opportunity to prove their innocence. We should notice particularly that no one of these ten amendments attempted to prohibit the *states* from doing these things, for they are restrictions on the national government only.

Ninth and
tenth amend-
ments.

(3) The ninth and tenth amendments provide in general terms that the people shall have all rights and the states all powers which have not been expressly conferred by the Constitution on the national government or prohibited by it expressly to the people or the states.

Twelfth
amendment.

According to the eleventh amendment no state could be sued by a citizen of another state or a foreign country without its own consent. The twelfth amendment changed slightly the method of electing the President. It provides that there shall be separate presidential electors for President and Vice-President, whereas the original document allowed each elector to cast two votes for President.

Need of con-
stitutional
amendments
after the
Civil War.

212. The War Amendments. — Because the unwritten constitution had been developed to some extent before the Civil War, no additional amendments were adopted until 1865. At the close of that great struggle, however, it was necessary to specify in the Constitution the exact status of the negroes. By the thirteenth amendment *slavery was prohibited* throughout the United States.

National
citizenship;
the right to
vote.

The fourteenth amendment made the negroes citizens and cleared up disputes in regard to *national citizenship* in this phrase, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." ¹

¹ In addition the fourteenth amendment prohibited the states from abridging the privileges and immunities of citizens of the United States and declared still further that no *state* may "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

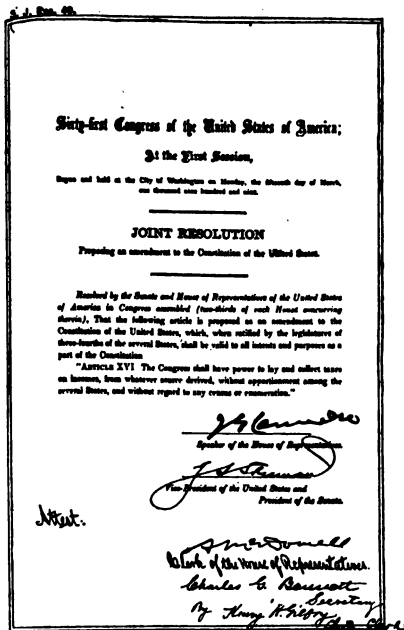
The fifteenth amendment aimed to grant the ballot to negroes on exactly the same terms as whites.¹

213. Recent Amendments. — Another long interval elapsed before any more amendments were added to the Constitution. In 1913, however, a sixteenth amendment was adopted, which permitted Congress to levy an *income tax*. Three months later the seventeenth amendment was adopted. This changed the method of electing United States senators. Popular election was substituted for election by legislatures. In 1920 the eighteenth amendment provided for national prohibition.

Sixteenth and seventeenth amendments (1913).

Undoubtedly to-day the process of amending the Constitution is too difficult. While it is true that the Constitution is continually being adapted to modern needs through changes in the unwritten constitution, it is necessary in some cases that the written Constitution itself be modified, as is proved by these recent amendments. That the small number of actual changes in the written Constitution has been due to the *difficulty of amendment* rather than to lack of popular desire for change is shown by the fact that

Practical difficulty of securing constitutional amendments.



THE SIXTEENTH AMENDMENT.

¹ "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude."

nearly two thousand amendments have been proposed in Congress.¹

THE WRITTEN AND UNWRITTEN CONSTITUTIONS

Definition of the unwritten constitution.

214. What the Unwritten Constitution is Like. — As the written Constitution is brief and does not go into detail, it is modified and supplemented in a great many respects by statutes and customs dealing with important principles of government, and by the interpretation of the written Constitution by public officials, particularly through the courts. We may say, therefore, that the unwritten Constitution includes all of the statutes, judicial decisions, and usages which increase the powers of the central government as defined in the Constitution, which alter the methods proposed by the Constitution, or which modify the relations existing between the nation and the states.

Important characteristics of the unwritten constitution.

The most important features of the unwritten constitution may be stated as follows. (1) *The whole body of law and custom supplementing the Constitution has greatly broadened that instrument and expanded the powers exercised under it.* (2) *New powers which are not forbidden by the Constitution and do not interfere with the work of the states have been assumed and exercised by our national government without express authority of the written Constitution.* (3) *The national government has become essentially a democratic government, with its principal officials selected by the people of the nation and its departments directly responsible to the popular will. This change has been accomplished almost solely by alterations in the state laws regarding SUFFRAGE.* (4) *The unwritten constitution determines the real nature of our federal system of government, since it defines the spheres of activities of the state and nation and*

¹ Our system of amendment is not only too difficult and cumbersome but its fairness is only apparent. It might be possible, through the coöperation of the less populous states, to defeat an amendment by the vote of one fifteenth of the American people and to pass an amendment by the vote of states whose population contained less than one half of the people of the whole country.

shows the working relations of the two sets of governments. (5) *Secession from the union is not possible*, although the subject is not mentioned in the written Constitution. In the following sections we shall compare some provisions of the written Constitution with similar subjects in the unwritten constitution.

215. Powers of Congress. — According to the written Constitution, Congress has power to levy different kinds of taxes, to borrow money, and to regulate foreign and interstate commerce. It cares for many foreign relations of the United States, has the right to declare war, and to raise an army and a navy. It may coin money, make rules for naturalization, and perform other acts permitted by the Constitution. In order that it might not be hampered by too narrow an interpretation of its powers, it has the right, granted in the "elastic clause,"¹ "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

Original
powers of
Congress.

The "elastic clause" has enabled Congress to make, upon subjects not directly mentioned in the Constitution, laws which have added greatly to the authority of the national government. The creation of the national bank in 1791 was the first good example of this extension, or of "loose construction" of the Constitution. The embargoes (1807-1811), the levying of protective tariffs, different forms of free mail delivery, and public land grants to states or railways are instances of an expansion of authority which necessarily is becoming greater with national development.

Enlargement
of the orig-
inal powers
of Congress.

Our highest courts have held that since the United States is sovereign and Congress is its lawmaking body, Congress has the right to make those laws which the sovereign nation needs. The regulation of *industrial corporations*, provisions for the promotion of *agriculture*, the annexation of *territory* by Congress as in the case of Texas and Hawaii, and absolute

New powers
of Congress.

¹ Constitution, Art. I, Sec. 8, 1. 18.

control of *colonies* show that Congress has exercised these rights. The issuance of paper money by that body in time of peace, a power which the "Fathers" did not intend to grant Congress, has been upheld unequivocally by the Supreme Court of the United States.

The election and term of the President.

216. The Presidency.—The members of the *constitutional convention* of 1787 decided, after protracted debate, that the President should be chosen for a term of four years and be reëligible to the office. They provided that there should be presidential electors equal in number to the senators and representatives, each of whom should cast two ballots for President. By the *Twelfth Amendment* each elector was forced to cast a ballot for President and a second for Vice-President. The "Fathers" intended that these electors should use their own judgment in selecting the chief executive, but only the first two Presidents were chosen in that way, and in fact ever since 1800 presidential electors have been *party men*, now *elected by popular vote* within their states, who must vote for the candidates chosen by their respective party conventions. The written Constitution places no limitation on the number of terms a President may serve, but *custom* in the form of the "third term tradition" may be said to have fixed eight years as the maximum period for ordinary Presidents.

Powers of the President according to the written Constitution.

According to the *Constitution*, the President has the right to enforce national civil laws, and he is commander-in-chief of the army and navy. He has the right of sending ambassadors, of making treaties, and of appointing officials with the consent of the Senate, the right to veto bills passed by Congress, and many other less important powers.

Changes in administration and powers.

In carrying out his wishes every President is aided by executive officials, ten of whom form an advisory *cabinet*, a body not mentioned in the written Constitution. That document does not mention the subject of removals from office. Except during the twenty years between 1867 and 1886 the unwritten constitution has left the President sole *power of removal* as well as appointment. He has thus been

able to make himself the real head of the national administration (§ 229), since all national executive officers are responsible to him. By virtue of their right to make treaties several Presidents, beginning with Jefferson in 1803, have acquired vast *territories*, although the written Constitution is silent on that subject.

217. The National Courts. — The *Constitution* provides for a supreme court and such inferior courts as Congress may deem necessary, all judges holding office during good behavior. *Congress* has had, therefore, opportunity of controlling the courts through its right to increase or decrease the number of judges of the highest court and of changing the number and powers of the lower courts. In fact when one political party created new and unnecessary national courts in order to give positions to its partisans, the opposing party, as soon as it came into power, abolished the courts. As Schouler says, it was unconstitutional to remove the judges from the bench, and so the bench was removed from the judges.

The national courts and their judges.

The written *Constitution* gives to the national courts jurisdiction over all cases "arising under this Constitution, the laws of the United States and treaties made, or which shall be made, under their authority." Many conservative people believed that the courts could not decide the meaning of any phrase in the Constitution, but Chief-Justice Marshall proved that the Supreme Court could not decide cases arising under the Constitution without *interpreting the Constitution* itself. By doing this he established a principle of the *unwritten constitution* which was largely responsible for the great development of national authority noted in the preceding sections; namely, that the people of the nation, through the Supreme Court, were the final interpreters of the powers which the national government might exercise. At the very beginning of our history as a nation, therefore, the Supreme Court of the United States established its right to determine when the other departments of the government had exceeded their powers. The court, in addition, could decide the all-

The jurisdiction of the courts.

important question of our history — what is the relation of the states to the nation and to the national government — a relationship that is discussed in the next topic.

THE NATION AND THE STATES

Provisions of
the Con-
stitution.

218. The Classes of Governmental Powers. — We find that the Constitution of the United States and its amendments define quite clearly the duties of the national government and suggest those left in charge of the states. In that instrument, the attempt is made to grant the government of the United States all powers which the states could not satisfactorily exercise because united action was necessary. From the nature of the case, these powers belonging to the United States government were considered *delegated*, and were therefore *enumerated*. Those left to the states were to include all others, and are frequently called *residuary* powers.

Five classes
of powers.

It is possible to distinguish *five* classes of governmental powers:

I. Those granted exclusively to the national government by the Constitution of the United States.

II. Those reserved exclusively to the states.

III. Those powers which may be exercised by either the national government or the states, called concurrent.

IV. Powers denied to the national government by the Constitution.

V. Powers denied to the states by the Constitution.

Character of
our federal
system.

219. The Interdependence of the National and State Governments. — By the adoption of the national Constitution in 1787, the people of the United States created a *federal system of two spheres of government, the one national*, including all powers which can be properly exercised only by a single government for the whole people, *the other state*, including all other powers of government. Under existing arrangements, the national government and the system of state governments are dependent upon each other, for each does its share in governing the country, but neither can become subordinate

to the other, for both are controlled directly by the people of the entire Union. To perform the task assigned it, *each is complete within itself for certain purposes, but incomplete without the other for the great purpose it subserves — the government of the American people.*

220. The Relation of the State and National Constitutions.

Supplementary character.

— When considering the constitutions of the states, we noticed that they must be changed if they conflict with the national Constitution. The reason for this is really very simple: the Constitution of the United States is just as much a part of the fundamental law of every state as is the constitution of that state. Any state constitution is intended to supplement that of the nation within that state, since the United States Constitution is intentionally silent regarding the greater part of the state's government and work. *The law of any state, and of the states taken as a whole, consequently, includes five things:* (1) the Constitution of the United States; (2) laws passed by Congress in accordance with the Constitution; (3) treaties made by the national government; (4) the constitution of the state; (5) the laws made by the state legislature. That the Constitution of the United States is a real part of the law of every state may be shown by the constitutional requirement that all members of the state legislature, and all executive and judicial officers of the state, shall be bound by oath or affirmation to support the national Constitution.

Under ordinary circumstances, these laws and constitutions *supplement* each other; but they may *conflict*. In that case, the courts are authorized to set aside one of the conflicting articles. Such an article in the state law must yield to any of the others, and an article in a state constitution must give way to the laws of the nation, the treaties, and the United States Constitution; for these three are "the supreme law of the land, and the judges of every State shall be bound thereby, anything in the Constitution or laws of the state to the contrary, notwithstanding."

Conflict of constitutions.

221. The Unity of Our Federal System is emphasized in

The execu-
tion of law.

the working relations of the national and state governments. Each has its own duties, which with few exceptions are different from those of the other, and which it performs through its own officials. United States laws are enforced by national executive officers and interpreted by national courts, side by side with the laws of the states carried into effect by officials of the states. *Every person within the boundaries of a state is subject, therefore, to the jurisdiction of the state and the national governments.* He renders obedience to both, because both are doing work assigned to them by the people of the whole Union. If, by any possibility, both try to force him to obey laws which relate to the same subject, but which are incompatible, he must learn, first of all, whether the national government has authority to make the law which it wishes him to obey. If it has this right, he must obey it without question; if it exceeded its authority in passing the law, he must obey the state officials. Obedience may be rendered to officials belonging to the state government or to national officials; in reality it is rendered to the people of the United States, who are represented by both sets of these officials. In other words, *a citizen's ALLEGIANCE is not divided, for it is due to the people of the whole nation, who are sovereign, and to them alone.*

General References

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Studies

1. Stamp Act Congress. Howard, *Preliminaries of the Revolution*, 145-149, 154-157.
2. First Continental Congress. Wilson, *History of the American People*, II, 193-201.
3. Character of the Declaration of Independence. Tyler, M. C., in *North American Review*, 163 (1896), 1-10.
4. Nature of the Confederation. Fiske, *Critical Period*, 98-101.
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6. The development of the Constitution. Bryce, *The American Commonwealth*, abridged ed., 271-284..
7. Constitutional changes during the Civil War period. Ashley, *American History*, §§ 383-387.
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9. The working relations of the national and state governments. Bryce, *The American Commonwealth*, abridged ed., 233-242.

Questions

1. Make a table comparing the unions before 1775, stating cause of each, number of colonies represented, permanence, work accomplished, and degree of union represented.
2. Compare the early unions with the second Continental Congress and the Confederation in respect to success as a union, organization of central government, powers actually exercised, and degree of real union.
3. Name one general and four specific defects of the Confederation. Was it possible to form a new satisfactory union on the basis of state sovereignty? What did the constitutional convention of 1787 do?
4. Look up and answer the following questions and points from your copy of the Constitution.
 - a. What is the difference between the qualifications of senators and representatives? (Constitution, Art. I, §§ 2, 3.)
 - b. What is the process of legislation? (Art. I, § 7.)

c. Name the chief powers of Congress. (Art. I, § 8. Why is the name "elastic clause" a good one for clause 18, § 8, of Art. I?

d. What restrictions are placed upon Congress in spending money? (Constitution, Art. I, § 9, cl. 7; § 8, cl. 12.)

e. Give the chief prohibitions placed upon the states. (Art. I, § 10.)

f. Who may be elected President? (Art. II, § 1, cl. 5.) How is the President chosen? (Amendment XII.)

g. May the President pardon a person guilty of treason? How are treaties made? (Art. II, § 2.)

h. What national courts are created solely by law of Congress? (Cf. § 23 with Constitution, Art. III, § 1.)

i. Why are all state officials compelled to take oath to support the Constitution of the United States? (Constitution, Art. VI, § 1, cl. 2; cf. § 219 of this book.)

5. Quote the preamble of the Constitution. Quote the elastic clause. Quote the first sentence of the Fourteenth Amendment.

6. In what ways may the Constitution be amended? (See if you can find four ways.) What interval of time elapsed between the Twelfth and Thirteenth amendments? between the Fifteenth and Sixteenth amendments? Is the method of amendment too easy? too difficult?

7. Give a definition of the unwritten constitution. Show how the unwritten constitution has changed either the composition or powers of the legislative branch of the national government; of the executive department; of the national courts.

8. What five kinds of law make up the law of any state? Why is every person subject to the jurisdiction of two sets of governments if his allegiance is not divided?

CHAPTER XIII

THE NATIONAL GOVERNMENT

CONGRESS

222. The American Congress.—The Congress of the United States, like the legislatures of the states, is composed of two houses, one of which is much larger than the other. Unlike the houses of the state legislatures, those of Congress are quite different in character, as the members of the *Senate*, or upper house, are supposed to represent the states, whereas the members of the *House of Representatives* are chosen by the people of the nation, from districts of nearly equal population. The term of office of the senators is six years, one third of them retiring every two years, thus making the Senate a continuous body. The members of the House of Representatives are chosen for a period of two years.

Composition
of the two
houses.

According to the original Constitution, the senators were elected by the state legislatures.¹ As this did not meet the twentieth century demand for more popular representation in the making of laws, the Seventeenth Amendment in 1913 provided that senators shall be elected by popular vote.

Election of
senators.

The election of members of the lower house occurs on the regular election day, the Tuesday after the first Monday of November in the even numbered years. According to the American custom, no one except a resident of the district for which the member is chosen may be selected as a congressman.² Since there is no national suffrage law, each

Election of
members of
the lower
house.

¹ According to the Constitution, no one may be elected senator, unless he is at least 30 years of age, has been 9 years a citizen of the United States, and at the time of election is an inhabitant of the state for which he is chosen.

² No one can be elected to the House of Representatives who is not at least 25 years of age, has not been a citizen of the United States 7 years, and is not at the time of his election an inhabitant of the state in which he is chosen.

state decides who may vote for senators and representatives, as well as for electors for the President.

Long and short regular sessions.

223. Sessions and Organization of Congress. — Once in two years, when one House of Representatives gives place to a new house, we have a new Congress. For example, the 64th Congress lasted from March 4, 1915 to March 4, 1917, being replaced on the second date by the 65th. Each Congress has two regular sessions, each of which begins on the first Monday of December. The first session may continue indefinitely into the following summer, and is therefore called the long session. The second, or short session, expires by limitation on the 4th of March after it begins its work. It is unfortunate that a period of thirteen months should elapse between the election of congressmen and the first regular session which they attend.

The houses of Congress. — Privileges and disabilities of members.

Special sessions of Congress may be called only by the President. Each house controls its internal organization, being authorized by the Constitution to make its own rules, elect its own officers, decide who are elected members in case of dispute, punish members for disorderly behavior, and compel the attendance of a quorum to do business. Members of Congress have numerous special privileges. They are "in all cases except treason, felony, and breach of the peace privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same, and for any speech or debate in either house they shall not be questioned in any other place." They are subject also to certain disabilities, particularly being debarred from appointment to any office which has been created or the salary of which has been increased during the term of office for which they have last been elected.

Compensation of congressmen.

Members of Congress receive a salary of \$7500 a year, traveling expenses, "mileage" of twenty cents a mile, going and returning by the nearest route, stationery, and extra compensation for clerks, besides large numbers of government publications, and free delivery of mail upon public business. Yet with all these perquisites of office, our con-

gressmen find expenses in Washington so heavy that few business men can afford the luxury of holding the position. The shortsightedness of this policy is evident.

224. Special Characteristics of the Senate. — On account of its small size and its semi-permanent character, the Senate is able to discuss public business much more directly than is possible in the large and more unwieldy House of Representatives. It has been therefore more powerful than the House during most of our history. This is especially due to three things: first, the more permanent character of the Senate; secondly, its better organization; and thirdly, the patronage which it possesses through the right to confirm appointments made by the President.

Three reasons for the Senate being powerful.

The Senate is unlike the House in the organization of its committees, for the *senatorial committees* are really permanent organizations. In case the chairman of any committee resigns, he is succeeded as chairman by the committeeman from his party who has seen the greatest length of service on that committee. This illustrates the fact that in the Senate "seniority" is a fixed rule.¹

Senatorial committees.

The Senate, being small, spends a large part of its time in really discussing public questions; it was not willing until 1917 to sacrifice its own dignity and restrict debate. By a two-thirds vote it can now stop discussion of any matter.

Conservatism and dignity of the Senate.

The special powers of the Senate are four in number. It confirms presidential appointments, ratifies treaties, tries impeachment cases,² and elects a Vice-President when the electoral college fails to do so.

¹ The presiding officer of the United States Senate is the Vice-President of the United States, who is not a member of that body. He takes no part in the discussions, and cannot vote unless there is a tie. However, the Senate has in addition a president *pro tempore*, who is a senator chosen by the Senate. The president pro tem. presides in case of the death or absence of the Vice-President.

² The Senate has the right to sit as a court and try any "civil officer" of the United States government who is impeached by the House of Representatives for "treason, bribery, or other high crimes or misdemeanors." A two-thirds vote is required for conviction. This power has been used only eight times in all, with but two convictions. By far the most interesting trial by the Senate was that of Andrew Johnson, President of the United States, in 1868.

Senatorial power of confirming presidential appointments.

A large part of the authority and influence of the Senate is derived from its power to *confirm all important appointments* made by the President. Because of the double system of choosing officials (§ 233) a custom has developed called senatorial courtesy, senators ordinarily voting to confirm one another's appointees. This procedure leaves with the senators the actual selection of most persons holding national offices within their states.

Influence of the Senate in the making of treaties.

Treaties are made by the President through the Secretary of State (§ 236), but they do not take effect until approved by two thirds of the Senate. The Senate is a real power in *treaty making*, as it never hesitates to amend any articles or reject an entire treaty. When discussing presidential appointments or treaties, the Senate goes into *executive session*, the doors are closed, and the proceedings remain a secret.

Size of committees and special powers of the House.

225. Special Characteristics of the House of Representatives. — The larger branch of Congress, called the House of Representatives, is composed of nearly 450 members. Because it is large, much less business is transacted within the house proper than in the Senate. It depends very much more upon committees than does the smaller chamber. Because it was originally intended to be and still is the more truly representative branch of Congress, it has *three special powers*. It originates all bills for the raising of revenue (§ 153), elects a President in case the electoral college fails to make a choice (§ 230), and brings articles of impeachment against any civil officer for treason or for high misdemeanors in office. Both the House and the Senate have separate buildings with offices for members and numerous committee rooms.

Debate and lawmaking in the House.

Many more bills are introduced in the House than in the Senate, because there are many more members who have favorite interests. In the House the time for the consideration of measures is arranged with great care by the powerful Committee on Rules.¹ This Committee is now made up of

¹ The Speaker, the presiding officer of the House, is a member of the body, and, although not the powerful official he was before the insurgent movement in 1909, is still an influential leader.

ten members, the majority of whom are selected by the House from its leaders. Under these conditions *debate is naturally limited*; even the chairmen of the committees to which important measures are referred content themselves with comparatively short speeches. Most of the other members on any measure are limited to speeches of ten,



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HOUSE OF REPRESENTATIVES IN SESSION.

five, or even two minutes, if indeed they have the good fortune to secure the privilege of the floor at all.

226. The Committee System.—The most distinctive feature of congressional procedure is the use of committees in lawmaking. *The committees are the center and life of Congress*,¹ doing the larger part of the work in framing

Importance
of the com-
mittees.

¹ The committees are usually composed of from ten to fifteen members, some having as few as three, and others, in the House, as many as twenty-two, the largest Senate committee numbering twenty. The majority of each committee belongs to the dominant party, except for a few unimportant Senate

important bills — although these are actually introduced by individual members — in investigating subjects before either house, and in concentrating discussion on the most important measures.

Committees
at work.

The committees usually hold their meetings upon certain mornings. The sessions are supposed to be secret, but are not strictly so, although no records of their proceedings are published. Most of the work at these meetings is done by the members of the majority, whose leaders, in fact, often arrange beforehand all important details. Subcommittees are frequently appointed to examine and report upon special features of a bill. In their regular sessions, the committees hear the reports of individuals or of these subcommittees, listen to the statements of business men whose work would be affected by the action of the committees, examine experts, confer with subordinate officials of some executive department of the government, and discuss the bills under consideration.

Introduction
and commit-
ment of bills.

227. A Bill in the First House. — In its earliest form a law is a *bill* which has been introduced in either house by some member of that house. After being read by title, bills are sent to appropriate committees,¹ by which they may not be “reported out”; that is, they are “killed in committee.” Consequently most bills never reach a second reading, which

committees; but every member of the House is on at least one committee, and every senator is assigned to not less than four.

The House of Representatives has two *Committees of the Whole*, one of which deals with financial bills and the other with private bills. When the House resolves itself into a Committee of the Whole, the Speaker always calls some one else to the chair, as he sometimes does in the House proper. The presiding officer cannot make any one attend the committee, neither does he have the right to maintain order by force. The quorum, instead of being one half the members, is only one hundred. As sessions of the Committee of the Whole are held for the express purpose of debating proposed laws, speech is not subject to the same limitations as in the House. When a committee has finished the business in hand, it rises and reports to the House, which is in no way bound by the action of the committee.

¹ So numerous are the committees that their duties frequently overlap. Many bills may, therefore, be assigned to any one of two or more committees. There is often a sharp contest between chairmen for the control of important measures.

means that they will never be read at all, for, when a member introduces a bill into either house, the clerk reads only the title.

If a bill is reported favorably, it is likely to be considered briefly in its turn by the House, or debated at some length if introduced in the Senate. Sometimes the senatorial minority delays action by unnecessary talking and taking of votes. This method, called "filibustering," is now almost impossible in the House.

When a bill has been read for the third time, a vote upon it may be taken in one of three ways, a majority of the members of the chamber being necessary for a quorum, but only a majority of those present being required for its enactment. (1) The usual method consists of calling for the "ayes" and "noes,"

the presiding officer deciding from the sound whether the bill is carried. (2) When the result is in doubt or a member asks for a rising vote, this is taken and each side is counted. (3) If one fifth of the members wish to have the roll called, the clerk reads the names alphabetically, the vote of each being recorded.

228. Later Stages of Lawmaking. — When a bill has been passed by one house of Congress, it is sent to the other.

Consideration of bills.

S. 1256

Sixty-fourth Congress of the United States of America;
3d the Third Session,

Sergeant met held at the City of Washington on Monday, the sixth day of December,
one thousand nine hundred and eleven.

— — — — —
AN ACT
To authorize the Secretary of the Interior to furnish hot water from the hot
springs on the Hot Springs Reservation for drinking and bathing purposes
free of cost to the Lee H. Lord Memorial Hospital Association.

— — — — —

*In it enacted by the Senate and House of Representatives of the United
States of America in Congress assembled, That the Secretary of the Interior be,
and he is hereby, authorized to supply a sufficient quantity of hot water for free
use from the hot springs on the Hot Springs Reservation for drinking and
bathing purposes to the Lee H. Lord Memorial Hospital Association without
cost or charge therefor, under such rules and regulations as he may prescribe
Provided, That said hospital association shall, upon request of the superintendent
of the Hot Springs Reservation or his duly authorized representative, immedi-
ately after being notified, send an ambulance or conveyance for and accept
and treat without charge therefor any emergency patients so sent to the hospital
for treatment.*

Chauncey Clark
Speaker of the House of Representatives

Geo. R. Marshall
Vice President of the United States and
President of the Senate.

Approved: 8 July, 1916
Woodworth

FORM OF A LAW.

Methods of
taking votes.

Settling of
disagree-
ments be-
tween the
houses.

If it is approved by this house without alteration, it is signed and sent to the President; but, if it is changed in any particular, it must be returned to the house which passed the original bill, since any law must be adopted by the two houses in exactly the same form. In case of disagreement between the two houses, the second chamber may even go so far as to substitute for the original bill an entirely different one relating to the same subject. This is even done by the Senate on tariff measures. In case of disagreement between the chambers on some necessary legislation, it is customary to have a *conference committee* composed of an equal number of members from each house. A report by a conference committee must necessarily be adopted without change or rejected.

Three ways
in which
bills become
laws.

A bill passed by both houses of Congress in exactly the same form may *become a law in one of three ways*. First, the President signs it. Secondly, if he fails to sign it or to return it to Congress within the ten days allowed by the Constitution, exclusive of holidays and Sundays, it becomes a law without his signature.¹ Thirdly, if he vetoes a bill, but it is repassed in both houses by a two-thirds vote in each house, it becomes a law over his veto. Vetoes are not common, and the enactment of laws over vetoes is much more uncommon.

THE PRESIDENT

Reasons for
his promi-
nence.

229. The President's Position. — The most conspicuous personage connected with our political system is unquestionably the President of the United States. This is due not only to the method of election, which serves to center popular interest in the presidency every four years, but to the prominence of the duties assigned to our chief executive and the great concentration of power in his hands. In the

¹ A bill passed within less than ten days before the adjournment of Congress does not become a law unless signed by the President. Neglect in cases of this kind is equivalent to a veto, the name "pocket veto" being popularly applied to the practice.

control of military matters and in affairs of peace, as well as in international relations, his is the central figure, representing most nearly the dignity and sovereignty of the nation.

The great power of the President comes from two sources. First, the Constitution delegates to the President duties of the first magnitude in authorizing him to enforce the laws, and in addition gives him powers connected with legislation, military affairs, and foreign relations which would of necessity make him a powerful official. Secondly, all officials belonging to the executive branch of the national government are directly or indirectly responsible to the President. They are appointed by him or by some of his immediate subordinates, and may be removed if they fail to carry out his policy. The importance of this *concentration of executive and administrative authority* in the hands of the President can be appreciated better if we compare him with the state governor. The latter, as we saw (§ 196), has many powers granted him by the constitution of his state; but, because of his inability to control more than a small proportion of the officials who carry out the state laws (§ 195), the state executive department has never been coördinate with the legislature.

Constitutional powers

230. The Election of the President. — The election of a President involves three steps: the nomination by a national party convention (§ 95), the choice of presidential electors, which occurs in November of the years divisible by four, and the meeting of the electors to vote for the President and the Vice-President the following winter.

Steps in a presidential election.

Candidates for the presidency are still nominated in nominating conventions. The delegates at large to these conventions are elected from the state, and the other delegates are chosen usually from congressional districts. Upon the day appointed by the national committee of the party, the convention is called to order, and several committees are appointed, consisting of one member from each state, selected by that state's delegation. After being fully organ-

Work of a nominating convention.

ized, the convention selects the *party platform* for that campaign. It then proceeds to the *nominations*. No one may be nominated unless he is at least 35 years of age, a native-born American, and has been a resident within the United States for fourteen years.

The November election.

The campaign is not unlike those in the state elections, although possibly somewhat longer. On the Tuesday after



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INAUGURATION OF PRESIDENT ROOSEVELT (1905).

the first Monday in November, the voters go to the polls and cast their ballots, not for their candidates for President and Vice-President, but for the electors who will later vote for those candidates. Each state is entitled to as many electors in the *electoral college* which chooses the President as it has senators and representatives in Congress.

Election by electors.

The actual election of the President and Vice-President occurs on the second Monday in January following a "presidential election," when the electors meet at their respective

state capitals and vote for the President. In case no candidate has a majority of all electoral votes cast for President, the *House of Representatives*, voting by states, chooses a President from the three presidential candidates who have the largest number of electoral votes. If no one is elected Vice-President, the *Senate* selects for that office one of the two vice-presidential candidates who stood highest. The



THE WHITE HOUSE AND THE EXECUTIVE OFFICES.

inauguration occurs on the 4th of March following the election. The ceremony is impressive and always attracts large numbers of strangers to Washington.

231. Presidential Term and Succession. — A President is chosen for a term of four years. He is reëligible, but according to the custom known as the “third term tradition” has never been reëlected more than once. There has recently been quite a little discussion about altering the term of office, going back to the six or seven years preferred at first by the convention of 1787, and not allowing the

Four-year
term vs. a
six-year
term.

President to be reëlected. Many people object to an exciting campaign every four years, and believe that a President's desire to remain in office has a bad effect upon his policy during the last two years of his first term. There can be no doubt that these objections are well grounded. Yet there is much to be said on the other side. Four years have been too long for some of the Presidents we have had. If six years would mean no reëligibility, a satisfactory President could not be retained. On the contrary, if a six-year President might be elected again, he would have a stronger hold upon the patronage, which always plays a part in elections, and would pander still more to popular prejudices, as reëlection would be more difficult if the term were lengthened.¹

We need a *Vice-President* because some one should be ready to take the President's place in case the latter dies. Five Vice-Presidents have been called to the presidency by the death of the chief executive. In case both President and Vice-President die during the term for which they are elected, the office of the President is filled by the members of the Cabinet in the order in which the portfolios were created, beginning with the Secretary of State, the Secretary of the Treasury, and the Secretary of War.

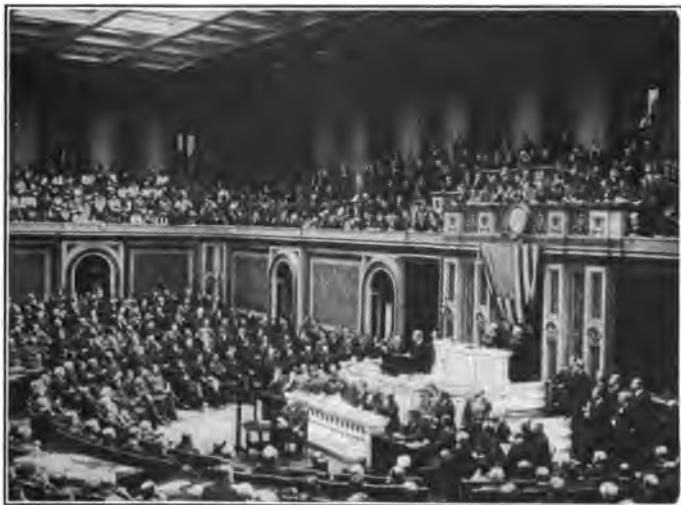
232. General Powers of the President. — The enforcement of law is ordinarily a peaceful process in which the executive officers deal directly with individuals. By virtue of his authority over his subordinates, the President wields an immense amount of *civil power* in time of peace. In crises and in time of war he has relatively greater *military authority*. He may call out the regular army or the militia to suppress riots. As he is commander-in-chief of the army and navy, he may actually begin war, even though Congress

¹The salary of the President was at first \$25,000 a year. In 1873 it was raised to \$50,000, and in 1909 to \$75,000. In addition, the executive mansion known as the White House is placed at the disposal of the President, and the government pays most of the expenses incurred in the performance of diplomatic and social duties, aggregating about \$200,000 a year.

Succession
to the
presidency.

Civil and
military
authority.

is not ready for such action and has passed no declaration of war. In the prosecution of a great war a President is likely to become a military dictator, continuing to increase his power until for vast territories there is no government except that of martial law.¹ According to James (Lord) Bryce, author of the great standard work on American government, "The American Commonwealth," "during the Civil War,



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PRESIDENT WILSON ADDRESSING CONGRESS ON SUBMARINE CONTROVERSY.

Abraham Lincoln wielded more authority than any single Englishman has done since Oliver Cromwell."

The President may exert a very powerful influence upon the actions of Congress because (1) he may *veto* bills, as noted above (§ 228), and (2) he has the exclusive right to *call special sessions*, since Congress, unlike the state legislatures, cannot call extra sessions. (3) He sends an annual

Legislative powers of the President.

¹ On application of a state legislature or executive the President may direct the movement of the army in order to protect any state from invasion, or from domestic violence.

message to Congress, or, as in the case of President Wilson, makes a speech before the members of both houses. Special messages may be sent on other occasions. These *messages or speeches to Congress* may have considerable influence directly upon Congress, or indirectly through their influence upon public sentiment.

Judicial and foreign powers.

The President has the right to grant *pardons and reprieves*, except in case of impeachments. In addition, he has *almost absolute control of foreign affairs*. To be sure, he must consult the Senate in making of treaties, but he decides what governments in foreign countries shall be recognized. The policy called the *Monroe Doctrine* is distinctly a presidential policy.

General power of appointment and removal.

233. The Power of Appointment. — The President has the right to appoint "with the advice and consent of the Senate" all ministers to foreign countries, consuls, national judges, and all other United States officials and employees whose appointment is not left to heads of departments or the Civil Service Commission (§ 114).¹ He has practically complete power of removal (§ 111)² unless the subordinates are selected under rules made by the Civil Service Commission.

Presidential offices.

The *President appoints* persons for only the most important positions, including those abroad, the chief places in Washington, collectorships throughout the United States, and postmasters of the first three classes. This power of

¹ Minor appointments were formerly left entirely to the heads of bureaus or departments, who were in turn appointees of the President.

² The Constitution does not state how removals shall be made, but by custom it is now left exclusively with the President, although for twenty years officials could be removed only with the consent of the Senate. Having so much influence in appointments, the Senate would naturally wish to be consulted in removals as well. The First Congress, however, passed a resolution which declared that the President was not obliged to obtain the consent of the Senate. This practice remained unchanged until, in 1867, Congress passed the famous Tenure of Office Act, requiring the indorsement of the Senate for both removals and appointments. In 1887 this law was repealed and the power again left to the President alone. When an official resigns or is removed during a recess of the Senate, his successor may hold office without confirmation until the close of the next session of Congress.

appointment is one of the most valuable given the President, although it undoubtedly causes him great annoyance. Throngs of office seekers have made the life of many Presidents a burden, and an unwise or unpopular appointment often has alienated large numbers of supporters.

The practical working of the system leaves the President most of the discomforts, with only a fair share of the benefits, which accompany the right to select subordinates. This is caused by the necessity of consulting the Senate in making appointments. The senators who belong to the same party as the President insist that their wishes be respected when any appointments are made to offices situated within their states. If the President does not nominate the man selected by a senator or choose one from two or three whom the senator names, his appointment is likely to be rejected in executive session (§ 224). Appointments of this character are in reality made not so much with the consent of the Senate as upon its advice.

Practical
working of
the system.

THE EXECUTIVE DEPARTMENTS

234. The President's Cabinet.—Although the *power* of our national executive belongs almost exclusively to the President, the *administration* of its business remains with the different executive departments. (1) At present there are ten of these,¹ — the Department of State, the Treasury, War, Navy, Post Office, Interior, Justice, Agriculture, Commerce, and Labor. (2) The heads of these departments, usually called secretaries, are selected by the President and

Composition
and duties.

¹ The departments were organized in the following order:

Department of State, July 27, 1789.
War Department, Aug. 7, 1789.
Department of the Treasury, Sept. 2, 1789.
Post Office Department, May 8, 1794.
Navy Department, April 30, 1798.
Interior Department, March 3, 1849.
Department of Justice, June 22, 1870.
Department of Agriculture, Feb. 9, 1889.
Department of Commerce, Feb. 14, 1903.
Department of Labor, Mar. 3, 1913.

are personally responsible to him. (3) Collectively, they form an advisory body called the Cabinet, which assists him in forming and executing any policy in which the entire administration is interested. All questions of moment are discussed in Cabinet meetings, held at the White House at least twice a week, but the President is in no wise bound to follow the advice of his Cabinet, and may act in opposition to the wishes of all the secretaries. Much more frequently,



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PRESIDENT WILSON'S CABINET (1916).

of course, the President and his associates hold identical views upon public questions; yet we must not forget that in the last analysis the policy of an administration is the policy of the President and not that of the Cabinet.

The secretaries in relation to the President and to Congress.

235. The Heads of the Executive Departments. — Far more important in the government of the American people than the collective action of the members of the President's Cabinet is their administrative and supervisory work as heads of executive departments. As each department is organized by Congress, and the powers of the secretary and his assistants are prescribed in the law, the secretaries might

be thought to be as much under the control of Congress as they are of the President. However, *they are appointed and removable absolutely by the chief executive*, since the Senate has never refused to ratify the appointment of a secretary made by any President. The secretaries, in turn, have a considerable influence in making recommendations and proposing laws which affect their departments particularly, although they may not speak before Congress as the English ministers are allowed to speak in Parliament.

Congress gives a secretary a great deal of discretion in administering the work assigned to his department. This freedom is necessary chiefly because of the number of tasks performed by the heads of departments and the difficulty in describing by law the exact powers which any department shall have, for Congress is unwilling to give the secretaries a free hand. The Department of State offers the best example of *discretionary power exercised by a secretary*. Congress has no control over diplomatic relations, and the President usually leaves the negotiation of treaties and other foreign affairs wholly to the Secretary of State. Much the same is true of the Secretaries of War and Navy in time of war. Alexander Hamilton among the Secretaries of the Treasury had considerable influence not only in his department but over Congress in securing national legislation that he desired. The President's relations with his secretaries should be very friendly, in order to secure the unity of action which is necessary to a successful administration of public affairs.¹

Discretionary powers of the secretaries.

236. The Original Departments. — The *Secretary of State* occupies a position of especial honor, as the chief secretary and the member of the Cabinet who comes first

Importance of the State portfolio.

¹ "The habit is to give an afternoon to each Cabinet officer on a fixed day of the week. These meetings are mainly given up to the consideration of appointments, but, if any other matters are pending, and deemed by the secretary of sufficient importance, they are presented and discussed. The Cabinet officer is chiefly entitled to the credit if his department is well administered, for most things he transacts on his own responsibility. His labors are incessant and full of care." — Harrison, *This Country of Ours*, p. 107.

in the succession to the presidency. Many great political leaders have been selected by courtesy as Secretaries of State. The principal duties of this portfolio relate to the negotiation of treaties, which are left almost entirely to the Secretary of State. All business of the President with representatives of other countries is conducted through him. The entire consular system (§ 295) is under his supervision. He has charge of all public records and issues all important proclamations.

Treasury
Department.

The *Secretary of the Treasury* has usually been a Cabinet officer of prominence and influence; in times of financial stress or need his suggestions for financial reform have frequently been followed by Congress. He has a difficult task to perform in helping Congress handle the finances necessary for the extravagant appropriations made by Congress.

Department
of War.

The *Secretary of War*, although usually a lawyer, is the real commander of the army, supervising its organization, equipment, and movements. He is aided by an organized group of officers, who, with the commanding general of the army, form the *General Staff*. West Point Military Academy is under the supervision of this department, as are public improvements for forts, breakwaters, and harbor defenses.

Department
of the Navy.

237. Departments Added during the Early Years of the Republic. — The *Secretary of the Navy* bears much the same relation to the President as does the Secretary of War, being in fact as well as in theory the head of his department. He is assisted by a *General Board*, which corresponds in part to the General Staff, although less perfectly organized. Since the chief problems of preparedness due to our location are connected with the navy and coast defense, the Secretary has important problems to solve, connected with preparedness for war (§ 330), as well as numerous routine duties to perform.

Variety of
duties of In-
terior De-
partment.

"The *Interior Department* is now, in the variety and importance of the business committed to it, one of the greatest of the executive departments. Perhaps no one of the secretaries, unless it be the Secretary of the Treasury, is so

pressed and cumbered with business as the Secretary of the Interior. His work is not single, as in most of the departments, but diverse and multifarious; and only a strong and versatile man can conduct it successfully. The Secretary must pass finally in the department upon questions of patent law, pension law, land law, mining law, the construction of Indian treaties, and many other questions calling for legal knowledge, if the judgment of the Secretary is to be of any value. There is an assistant Attorney-general assigned to the department, and the Secretary may call upon the Attorney-general for his opinion upon important matters, but there is hardly an hour in the day that does not present some legal question, and very often the Secretary must sit as an appellate judge, hear arguments, and render decisions."¹

The Department of Justice was not organized as a separate department until 1870, although the *Attorney-general* has always been a Cabinet officer. The true duties of the Attorney-general and his subordinates are to advise the President and the executive officials regarding legal questions which arise, to supervise the actions of the district attorneys and marshals (§ 241), and to conduct in the higher courts suits to which the United States is a party.

Department
of Justice.

The work of the Post Office Department is explained rather fully in §§ 303-304.

Post Office.

238. Recently Organized Departments.—The *Department of Agriculture* does a work second only to the Department of the Interior in the development and conservation of our great natural resources. The topics considered in §§ 305-307 suggest the practical value of its work to farmers.

Department
of Agri-
culture.

Supervision of industry, so far as that is permitted to the national government by the national Constitution (§ 279), and the promotion of foreign commerce abroad give the *Secretary of Commerce* ample opportunity to exercise considerable influence over business. As the Department has charge of the all-important subject of immigration (§§ 44-

Department
of Com-
merce.

¹ Harrison, *This Country of Ours*, pp. 269-270.

48), it has an even greater influence on the administration of a difficult social problem.

Department
of Labor.

The newest department, that of *Labor*, devotes its attention chiefly to the gathering and publishing of statistics on wages and conditions of work in various occupations. In the future its work is likely to become far more important than it has been in the past.

THE NATIONAL JUDICIARY

Final inter-
preter of the
Constitu-
tion.

239. The Work of the Judicial Department. — Our national courts have jurisdiction of all cases arising under the Constitution, the national laws, or treaties. As explained in the preceding chapter, *the Supreme Court is the final interpreter of the Constitution of the United States*; that is, it decides what the meaning of any particular clause or section may be. In consequence *the Supreme Court has the power to determine the exact location of the boundary line between the sphere of national activity and that of the states (§ 66)*. Moreover, it may permit the national government to use "implied powers," which supplement those enumerated in the Constitution, but which do not infringe upon the rights of the states.

How the
courts inter-
pret the Con-
stitution.

The courts do not decide the meaning of a section of the Constitution by offering opinions at any time, but interpret the Constitution solely in connection with their regular work as courts. When a person feels that he is injured in the execution of a law, his case is brought before a court for trial, and if the meaning of any clause of the Constitution is involved, the court explains the meaning of the clause when it gives its decision in the case. It really decides whether or not laws passed by Congress are *constitutional*. If, in its opinion, Congress had a right to pass the law with which the case is concerned, the law is declared constitutional. If Congress has exceeded its powers, the law is set aside as null and void. The Supreme Court, to which cases involving the Constitution are appealed, is thus enabled both to

extend the power of Congress within reasonable limits and to prevent that body from usurping the functions of the other departments of the national government and of the states.

240. National Courts: Judges and Jurisdiction. — According to the Constitution there shall be one Supreme Court and as many inferior courts as Congress wishes to establish. At present there are three series of courts, — the

Three series
of courts.



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	Brandeis	Pitney	McReynolds	Clarke
Day	McKenna	White (C. J.)	Holmes	Van Devanter

THE SUPREME COURT OF THE UNITED STATES (1917).

Supreme Court, which always meets in Washington, nine *Circuit Courts of Appeals*, and *District Courts*.

The judges of all these courts are appointed for good behavior by the President with the consent of the Senate. They may be removed only on impeachment in the House of Representatives and conviction by two thirds of the Senate. For their services they are paid small salaries which may be increased, but not diminished, during their term of office.¹

Term ap-
pointment,
and salaries
of judges.

¹ The salary of the Chief Justice is \$13,000 per year, that of the associate justices \$12,500, of the circuit judges \$7000, and of the district judges \$6000.

Those who have served at least ten years are permitted to retire at the age of seventy, and continue to draw full pay. Because of the honor connected with these positions, our national judges have been men of exceptional ability, and our Supreme Court especially has enjoyed a world-wide reputation for wisdom and impartiality.

Jurisdiction
of the
national
courts.

The Constitution provides for the different kinds of cases that may be tried in United States courts. "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."¹

The Supreme
Court.

241. The Separate Courts. — The *Supreme Court* of the United States consists of one chief justice and eight associate justices.² The court holds its regular session in Washington beginning in October, and the presence of six justices is necessary before a decision is rendered. The jurisdiction of the Supreme Court is of two kinds, original and appellate, the former including only those cases which are enumerated in the Constitution.³

¹ It extends also "To all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state, or the citizens thereof, and foreign states, citizens or subjects."

² In 1917 the Supreme Court was composed as follows:

JUSTICE	APPOINTED
Chief Justice Edward D. White (La.)	1910
Associate Justice Joseph McKenna (Cal.)	1898
Associate Justice Oliver W. Holmes (Mass.)	1902
Associate Justice William R. Day (Ohio)	1903
Associate Justice W. Van Devanter (Wyo.)	1910
Associate Justice Mahlon Pitney (N. J.)	1912
Associate Justice James C. McReynolds (Tenn.)	1914
Associate Justice Louis D. Brandeis (Mass.)	1916
Associate Justice John H. Clarke (Ohio)	1916

³ All cases involving state law only are always tried in state tribunals. Cases involving national law are begun usually in national courts. If a case

Because the appellate jurisdiction of the Supreme Court was very extensive, cases were obliged to wait several years before trial until the *Circuit Courts of Appeals* were created in 1891. There is one Circuit Court composed of the three or four judges for each of the nine circuits into which the United States is divided. All cases appealed from the district or state courts and not taken directly to the Supreme court are reviewed in the Circuit Courts of Appeals.

Circuit
Courts of
Appeals.

At present there are about one hundred *District Courts* in the United States. No cases are appealed from any lower court to the District Court, that is, its jurisdiction is original. To each of the districts is assigned a district attorney, who represents the United States in all suits arising in national courts held within his district, and a marshal, who executes the decisions of national court for that district.

District
courts and
their officers.

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which may be appealed to a national court is tried in a state court, and the state court decides in favor of the national law or Constitution, its decision need not be reviewed by the Supreme Court. In this respect the state courts have been made really a part of the national judiciary, a fact which illustrates the real unity of national and state government.

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Questions

1. For what terms are members of the Senate and House of Representatives chosen? What is the number of the present Congress? What is the difference between the long session and the short session? Why are committees used in Congress? In which house are they more important, and why? Why are different methods used for taking votes in Congress? Why does the House limit debates whereas the Senate does not?

2. Give the special powers of the Senate and show why these special powers were left to the Senate. Give the special powers of the House.

3. Name the President of the United States, at least four members of the President's Cabinet, at least three justices of the Supreme Court, both of the senators from this state, and our representative in the lower house.

4. Explain fully and clearly just how a President is nominated (§ 94) and elected. What are the constitutional qualifications of a President and a Vice-President?

5. Why is the President so powerful an official? Name and explain the most important powers exercised by the President. Explain why most of the national appointed officials within a state are really selected by congressmen, not by the President.

6. Name the departments whose heads form the President's Cabinet. Which were original? Which have been created within recent years? Explain the numerous duties of the Secretary of the Interior and of at least two other secretaries. Which secretaries have most discretionary power, and why?

7. In which departments would the following bureaus, boards, or officials be found? (see *Congressional Directory*): General Land Office, Consular Service, Bureau of Corporations, Interstate Commerce Commission, General Staff, Controller of the Currency, Pension Bureau, Bureau of Manufactures, Bureau of Plant Industry, Reclamation Service, Forest Service, Census Bureau, United States Marshals, Rural Free Delivery.

Sixty-fifth Congress of the United States of America;

At the First Session,

Began and held at the City of Washington on Monday, the second day of April,
one thousand nine hundred and seventeen.

JOINT RESOLUTION

Declaring that a state of war exists between the Imperial German Government
and the Government and the people of the United States and making
provision to prosecute the same.

Whereas the Imperial German Government has committed repeated acts of
war against the Government and the people of the United States of
America: Therefore be it

*Resolved by the Senate and House of Representatives of the United States
of America in Congress assembled, That the state of war between the United
States and the Imperial German Government which has thus been thrust upon
the United States is hereby formally declared; and that the President be, and
he is hereby, authorized and directed to employ the entire naval and military
forces of the United States and the resources of the Government to carry on war
against the Imperial German Government; and to bring the conflict to a
successful termination all of the resources of the country are hereby pledged by
the Congress of the United States.*

Champ Clark

Speaker of the House of Representatives.

Thos. R. Marshall

Vice President of the United States and

President of the Senate.

Approved 6 April, 1917

Woodrow Wilson

THE WAR RESOLUTION THAT BROUGHT US INTO THE GREAT WAR.

PART III
SOME PUBLIC ACTIVITIES



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THE STUDENT BUILDING, UNIVERSITY OF INDIANA.



MORGAN HALL, UNIVERSITY OF ALABAMA.



ADMINISTRATION BUILDING, UNIVERSITY OF NEBRASKA.

CHAPTER XIV

PUBLIC HEALTH AND WELFARE

EDUCATION

242. The Public Schools and Our Republic. — We have already discussed (§§ 21-27) the education of the citizen, explaining the training in citizenship as well as for citizenship which is furnished in the home and in the school. We need, however, to make a little further study of the educational work being done by society for its youth. We need to notice again that free public education is furnished by society quite as much for its own protection as for the development of its members.

Purposes of free public education.

In a country governed by an absolute monarch or by its nobles, it is not necessary that the common people should be educated to help govern the country, especially if the rulers do not wish to govern well or wisely. In such countries it is necessary to keep the people ignorant in order that they may not understand fully how badly they are ruled. In time, of course, the people will assert themselves; then their ignorance will lead to revolution, to unnecessary bloodshed, and to still worse government. Such a country is not only in danger of a day of reckoning, but it loses all of the economic and social progress which would have been brought to it by educated citizens.

Education and ignorance in an absolutism.

In a republic such as ours education is necessary for the proper understanding of the principles and the practice of popular and representative government. It is essential to the choice of the best officials, to the enactment of the best laws, and to the enforcement of law and order. Without the education of our citizens, we must submit to the rule of

Need of educated citizens in a republic.

the few who know how to rule and can do so, or we must be content with mob rule; we must be satisfied with poor laws, incompetent officials, and a public sentiment as narrow as it is prejudiced. If to this lack of education for public duties we add ignorance of ourselves, our business, and our personal interests, we shall fail to gain prosperity and real success, which, founded on sound government, make a country great.

243. The State System of Education. — Under our federal system of government, education is naturally controlled by the states. Each state has organized a system of public schools. This always includes primary and grammar schools and ordinarily includes high schools as well. In most of the states kindergartens are added below the first grade, and state universities, normal schools, agricultural colleges, and other technical schools offer free courses for advanced students.

Each state has a state school law¹ which seeks to standardize and improve the schools within its borders. In the states with the best systems of education² this law requires a minimum school year of nine months and has regulations to insure good preparation of teachers. In some of these states a fair percentage of the school revenue is raised by the state. By withholding the state school moneys (§ 246) of any district or city which fails to live up to the state law, a few of these states have raised greatly the standard of teaching and scholarship in their schools.³

244. State Colleges and Universities. — Agricultural colleges have been established in most of the states. By an act of Congress (1862), 30,000 acres of public land were

¹ The *state school law* determines whether the district, the township, or the county shall be the unit for school administration, and what officers shall be selected, with the powers of each. It also prescribes a minimum list of the subjects which must be taught in every school, the minimum number of months in the school year, and the qualifications of teachers of the different grades.

² The *state departments of education* have superintendents, aided in most of the states by *state school boards*. The school boards are usually appointed by the governors, the superintendents being elected more generally than appointed.

³ The *state superintendents* usually visit the different counties, examine schools, and gather information for the state boards. In several states, the boards or the superintendents may suspend teachers for cause, or revoke certificates issued by the state or county boards.

Schools in
the state
system.

State school
laws and
state
revenues.

given to each of the states for each congressman to which the state was entitled at that time; the proceeds arising from the sale of these lands were devoted to agricultural education. Experiment stations are often conducted in connection with these institutions, and the national government grants appropriations each year for every agricultural school and experiment station.

Agricultural colleges and experiment stations.

The *state universities* found in nearly one half of the states are among the largest and best in the land. They are co-educational institutions, and offer an exceedingly varied number of courses, including engineering work as well as the professions. They represent the highest development of the American idea that education should be at public expense, since instruction is ordinarily free for those students who live within the state.



COURT OF NORMAL SCHOOL, NEWARK, N. J.

Many of these universities have rendered valuable service to the cause of education by aiding the grammar and high schools, by introducing better and more uniform methods in local education, and by university extension work.

Courses of, and supervision by, the state university.

The *normal schools* are institutions for the special training of teachers. Until these normal schools were established, teachers were not only poorly prepared for their work, but as a rule were only half educated. The majority of the present normal schools are well equipped, and are doing much to raise the standard of efficiency among the teachers of the country. Many of the best normal schools or colleges now require a high school certificate for entrance.

State normal schools.

Importance
of the com-
mon schools.

245. Grammar and High Schools. — After all, few students enter normal schools, agricultural colleges, or state universities. In fact only about one seventh of those who are enrolled in the first grade ever enter high school, and less than one third of all high school freshmen ever graduate. The schools which influence the rank and file of our people are the primary and grammar schools, although the high schools are growing in importance.



GROVER CLEVELAND HIGH SCHOOL, ST. LOUIS, MO.

Close con-
nection be-
tween school
and com-
munity.

These schools are always under the control of city boards of education, or of rural school trustees or commissioners.¹ The excellence of the schools depends on the school officials, of course, less than it does on the community, for a community is likely to have good schools if it demands a high

¹ In all of the states in which townships do not exist or are not well developed, the *county boards* have important duties in granting certificates to teachers, selecting textbooks for the county schools, providing for uniform courses of study, and raising money for school purposes. In most of the other states the burden of school duties falls upon the *trustees* of the districts or townships, who almost invariably have charge of selecting teachers and of erecting school buildings, and who may be obliged to assume in addition part or all of the tasks mentioned above.

educational standard. If it is indifferent or protests against all constructive educational work or refuses to pay the inevitably high costs of good modern education, in all probability its schools will be inferior.

Good schools will probably be found wherever there are modern, sanitary, and attractive school buildings, but the teaching force¹ and the equipment naturally count much more than the school buildings. One recalls the oft-quoted statement of President Garfield that if Mark Hopkins were at one end of a log and a student at the other, the young man would not fail to get a good education. It does not necessarily follow that, because a city has free kindergartens and intermediate schools (junior high schools), as well as visual education, manual training, and other new courses, it actually does furnish a better education than the less elaborate country school or the "little red school house" of our forefathers; yet it certainly has better opportunity to do so. Any school, however, which has an earnest, enthusiastic, and harmonious body of students will be a real success.

Opportunities and conditions of successful modern education.

246. School Finances. — The public interest taken in our schools is shown by the enormous sums expended annually on education; for the common schools cost more than \$500,000,000 annually, about \$5.00 for every person in the United States and nearly \$22 for each pupil enrolled. The aid given by Congress to the newer states undoubtedly exerted a healthful influence in quickening this popular interest.²

Amount of school expenditures.

By far the larger part of the school revenue is obtained from *regular taxation* (§ 154). In most of the states, the

¹ A custom which is practically uniform throughout the country, and which is, perhaps, more than anything else responsible for any inefficiency in the schools, consists in electing new teachers for a *term of one year only*, and sometimes of dismissing them without good reason. In a few cities a fair permanency of tenure is assured, and appointments are made by the superintendent.

² Since 1802 Congress has given as the basis of an educational fund to each of the states formed out of the "public domain," *i.e.* the land directly controlled by Congress, one section of the thirty-six in each township (see § 314 n. 3), and since 1848, two sections. These *school lands* have been sold and the proceeds devoted to developing the schools in these states.

Revenues
and future
expansion.

taxes are purely local,¹ and are as large as each community thinks it needs and can afford. On account of the high costs of the newer forms of vocational education and the desire of many communities not only to procure the best teachers obtainable but to reduce the number of pupils per teacher, school expenses are much higher than they were a few years ago. Because teachers are now paid almost starvation wages in some communities, still heavier expenses must be incurred before those schools will be reasonably satisfactory.



GRAMERCY NEIGHBORHOOD ASSOCIATION, NEW YORK CITY.
(Meeting in Auditorium of Washington Irving High School.)

The school
as a social or
civic center.

247. Wider Uses of the School Plant. — A school building and its equipment not only should be used during school hours to the best advantage, but the schoolhouse should

¹ As stated above (§ 243), many states collect state school taxes, and distribute to the counties or townships sums in proportion to the number of scholars who attend school regularly. In this way help is given to the poorer districts and to those which are especially earnest in their school work.

become the civic or social center of the community. In some localities the schoolhouse has always been the place of public meeting, but most schoolhouses, even our costly modern school plants, are vacant eighteen hours every school day, and at least half of the days in a year. This seems an unnecessary waste of good material. By using the rooms, laboratories, and shops for night schools, many communities are adding two or three hours to a school day. Entertainments, rallies, and other public gatherings in the schoolrooms or auditoriums are turning many schools into true social centers. Many cities, especially those in the East, have special courses for new citizens; others offer courses after school hours to mothers; still others are open all day and every school evening for those who need help. In the development of the newer and better democracy by which we may be able to solve the pressing problems in politics and society, the school can do a much larger work than it has in the past; it may become directly valuable to adult citizens as well as to the children and youth.

248. Public Libraries. — A silent, uplifting force but little inferior to that of the public schools is found in the free libraries which have been established in probably one half of the cities and villages of this country. The work of the libraries is valuable, even through the distribution of fiction, which usually comprises at least one half of the volumes in actual use, for most of these books are wholesome, interesting, and amusing. Through the *circulation* of better classes of fiction, biographies, histories, scientific treatises, and modern books on many other subjects, general readers have opportunities which were denied to them a quarter century ago.¹

Importance
of the gen-
eral work of
public libra-
ries.

¹ Where the patrons of the libraries are permitted access to the shelves and are allowed to examine books, the circulation is increased, and interest is awakened in reading books other than fiction. Most libraries have *juvenile departments*, from which books may be drawn by children of a reasonable age. They also help to awaken a taste for a better class of literature by sending a large number of books at one time to the different schools of the city, where they are read freely by the pupils.

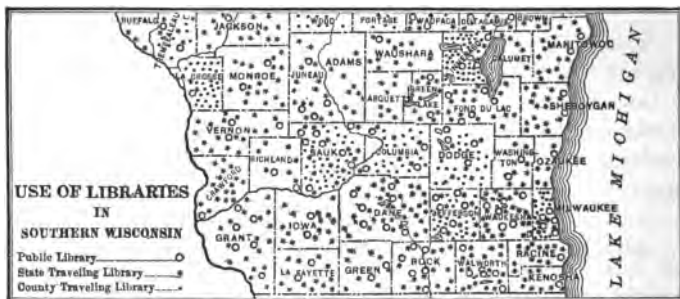
Reading and
reference
rooms.

Almost as many magazines and books are consulted at the libraries as are withdrawn for circulation. The popular magazines and newspapers attract many to the *reading*



PUBLIC LIBRARY, SPRINGFIELD, MASS.

rooms, while the scientific papers and well-selected works of *reference* are consulted by large numbers of scholars. Some of our finest libraries limit themselves to reference and consultation work, distributing no books whatever.



Others do exactly the opposite, especially the state traveling libraries, which circulate books among those communities

which have access in no other way to library books. The extent of the work done by one of these traveling libraries in one section of one state can be estimated by comparing on the map the number of villages and cities which have

Traveling libraries for poorly settled communities.



MAILING ROOM OF THE WISCONSIN TRAVELING LIBRARY.

libraries of their own with those which depend exclusively on a traveling library.

PUBLIC CHARITIES

249. Causes of Poverty. — There are in every community certain persons who are unable or unwilling to provide for themselves. Most of these have relatives who give them a home and the necessities of life. The rest are a burden on society in general, and must be supported by private charity or at public expense. We may divide the poor into two general classes; (1) those who are partially destitute, that is, who are dependent in some degree on public or private charity, and (2) paupers, those whose very existence depends on the help received from the public.

Classes of dependents.

Personal
causes of
poverty.

The causes of poverty are numerous. Some are as old as human nature, for shiftlessness, intemperance, vice, and lack of economy keep many from having their share of the necessities as well as the comforts of life. Only force would compel some people to earn a decent living, so ingrained is their laziness. Others believe that the world owes them a living, reversing the dictum of the good citizen that he owes the world a life. Still others are by nature, lack of training, or temperament unable to do any work properly; they are the incompetents, the ne'er-do-wells, part of whose burdens must be assumed by society.

Some economic causes
of poverty.

Our modern industrial system leads to a great deal of poverty and even pauperism. There is no longer regular work or free land for every family. Some occupations are overcrowded, at least in the community where a laborer may live. Many industries give employment only at intervals. Modern industry is possible because of the development of huge and dangerous machines, but labor has paid a heavy toll in maimed limbs and in diseased or distorted bodies. The injury or death of the chief wage earner of a family is a prolific cause of poverty.

Remedies in
industrial
betterment
and in education.

250. The Problem of Charity.—Until the causes of poverty are removed, there can be no solution of the problem. It is difficult to "make over" human nature, but it is possible to find real remedies for industrial troubles, through workmen's compensation, plans to reduce unemployment, minimum wages, and mothers' pensions. For the immediate relief of many victims of industrial distress, we must depend chiefly on charity until we have shown, by education of individuals and the public, that poverty may be prevented to some extent.

Features of
the problem.

One of the first duties of the public is to separate those needing relief into *classes according to their disability*, to distinguish between the deserving and the unworthy, and to provide suitable help for those who may be entitled to receive it. These problems constitute a task of no mean proportions; for, although we may determine easily which classes

deserve aid and which require punishment, it is impossible always to separate those individual applicants for help who are worthy from those who are not. An impostor may remain long undetected and become a social parasite, whereas funds may be withheld from needy families. There may also be very great difference of opinion about the best way to aid any particular class of dependents. Especially is this the case with the most general problem of all — Shall charity be governmental or private?

We do not question the justice of the doctrine that these unfortunates should be a *public charge*. Society is a unit, and we believe that society is under obligation to care for its poor and for those to whom nature has denied some faculty, just as a family is expected to provide for those members who are unable to care for themselves. This does not mean that most of the expenditures for charitable purposes should be made through government officials, for private organizations can often learn easily whether those applying for help are deserving. In fact, the government now does little more than care for those dependents who live in *charitable institutions*.¹

Governmental or private care of dependents.

251. Care of Dependent Children. — Two classes to whom society owes the best possible care are those children who have no one to look after them and the children who have some notable physical or mental defect. If private enterprise fails to provide suitable children's homes, public institutions must be constructed for the purpose of keeping *orphaned little ones* out of the streets and away from evil influences. This is a most necessary step in the process of preventing *crime*, and consequently should be undertaken

Children's homes.

¹ It is customary in cities to *make appropriations* of large sums of money annually for the benefit of *private institutions*, — children's homes, schools for defectives, and hospitals. This may be done because the heads of private institutions or organizations are able to discriminate better and are less likely to be imposed upon, or because of an unwillingness to grant help both publicly and privately in cases where there is no good reason why the government should assume entire responsibility. Many cities which follow this plan have been singularly lax in supervising the expenditure of the public money contributed to private parties.

by the localities for their own safety, if not for the sake of the children themselves.¹

Schools for the deaf, dumb, and blind.

A second class of dependent children includes those afflicted with some *physical or mental*² defect — including those that are blind, deaf, or dumb. If society owes the advantages of a free education to its normal children as the best safeguard of its free institutions, surely the education of defective children is a duty rather than a form of charity and should not be neglected under any circumstances. Although they may not be prepared fully for the activities of citizenship, this education brings them some opportunities and pleasures, of which they would otherwise be deprived by their infirmity. The equipment furnished, the methods used, and the instruction given in these schools are usually of a high character.

Why insane persons are a public charge.

252. Care of the Insane. — One class of dependents whose care is left to the government exclusively is that of the insane. Our government performs this task, not only because it is a *necessary charity*, but, as many insane people are dangerous, for the sake of *protecting the public*. No person is, however, placed under the control of government officials until he has been examined by experts and declared to be of unsound mind.

Treatment of the insane.

Public care of the insane varies greatly from state to state. (1) Some states compel each *locality* to look after its own, insane persons being left in poorhouses where they are systematically neglected or even maltreated. (2) In other states, the most violent patients are sent to *state institutions*, the others being placed in *local asylums*. (3) A few states care for all persons of unsound mind in *state hospitals*, which

¹ More than half of the states have laws providing for mothers' pensions. Money is appropriated from government funds direct to a mother in order to keep the family together. This prevents the institutionalizing of the children, who otherwise would be brought up in an orphan's home.

² Public institutions for *weak-minded children* are even more essential than those for physical defectives, because weak-minded children are more helpless and apt to be public charges. Although society does not begrudge the care necessary for such unfortunates, it is seeking to prevent the multiplication of those whose existence can be only a burden to themselves and their fellows.

are worthy of the name. In them insanity is regarded as a disease, and the patients are treated not as criminals to be punished, but as mental invalids to be cured. New York well represents modern methods in its care of its insane, several millions of dollars being spent each year for the benefit of the inmates of its numerous state hospitals. It is in advance of most other states, not alone in its provision for hospitals under state rather than local supervision, but in its segregation of all insane persons accused of crime in separate institutions controlled by the prison authorities of the state.

253. Indoor and Outdoor Relief. — In addition to children's homes and insane hospitals, almost every community maintains some institutions for paupers, usually a *poorhouse* or a *county farm*. In a few poorhouses, those capable of working are compelled to contribute something toward their own support. Often poor farms are maintained, which are managed without help from outside, so that the institution is largely self-supporting. In many of these institutions the practical management is seriously defective and often unpardonably brutal. This is especially the case where the aged, the young, the blind, the insane, the feeble-minded, and the sick are herded together.

Poorhouses
and poor
farms.

Outdoor relief is often granted by the overseers of the poor to those not destitute but needy. The chief danger of this entire system of relief is that it may increase the poverty which it is supposed to alleviate, because shiftless individuals will expect help from the government, when they should support themselves. A few people most of the time, and many people part of the time, require some assistance of this kind. *Provisions, clothing, and fuel* are the articles most commonly furnished, much more being done in winter, or when work is scarce, than at other times. A few cities have established *public lodging houses*, in which wayfarers are furnished with beds for the night in return for a reasonable amount of work. Sometimes *temporary employment* is furnished through the government to those in great need; by this de-

Ordinary
forms of out-
door relief.

vice the community is relieved of those tramps who do not wish to find employment.

Care of the
sick poor.

254. Other Forms of Charity. — There is perhaps no set of persons so deserving of sympathy and help as the *sick poor*. Needing skilled care, delicate food, expensive medicines, or still more costly surgical attention, they are unable to protect themselves against the ills which, if unchecked, will cause death or lives of invalidism. For the care of



SCENE IN A CITY DISPENSARY.

such unfortunates, *public hospitals* are maintained in most cities and by many counties and towns. Physicians and nurses are paid by the public to look after the inmates of the hospitals. *Visiting physicians*, in addition, may spend a large part of their time without pay in attendance on the needy sick in their own homes.

Work of dis-
pensaries and
school clinics.

Those whose ailments are not serious can often obtain treatment gratis at the *dispensaries*, which are to be found in most of our large cities. Almost all medical schools maintain out-clinics in which patients receive the best of treatment at a very low cost. Most progressive school systems

are doing a preventive work by examining all school children. Frequently the relief of some apparently minor defect, *e.g.* in the teeth or nasal passages, has changed a sickly or apparently dull pupil into a vigorous, intelligent student. This work of school clinics may be one of the first duties of a school system; it is not a matter of charity.

HEALTH AND GENERAL WELFARE

255. Conservation of Human Life. — The removal of the causes of poverty, as distinct from the relief of pauperism, is closely related to the problems of reducing the amount of sickness, conserving public and private health, and prolonging useful human life. Modern science, better education among the people, and the protective regulations of government have saved millions of infants and little children who would have died in infancy had they been born a generation or a century earlier. Although some children may be saved only to be a burden to themselves and society, this slight checking of the wholesale "slaughter of the innocents" has been a gain to society as well as a credit to modern civilization.

Saving of the lives of little children.

There is good reason to believe that the boy or girl who lives to the age of five years will live nearly twice as long as did his ancestors a few centuries ago. It does not require much study to perceive the increased value of prolonging the working life of any man or woman from fifteen or twenty years to twenty-five or thirty. The early years necessarily form a period of preparation, in which little is earned, and nothing is added to the wealth of society. To prolong human life ten years means therefore that two or three additional years may wisely be taken for better preparation. This will increase the efficiency of the worker, not only during the seven or eight *additional* years in which he labors, but for *every* year of his working life. Surely this is worth while to the normal human being and to society.¹

Value of prolonging the working life of citizens.

¹ Little has been done under public supervision in this country through sickness insurance. The spread of this form of health preservation in Europe would indicate that it is satisfactory; in time America also will adopt measures

Reduction of
death rates
in cities.

256. General Health Regulations. — During the last fifty years, and particularly since the opening of the twentieth century, there has been a great improvement in the means used for the protection of public health. The annual death rate in some English factory towns in the middle of the nineteenth century was as high as fifty-three per thousand. Even within twenty years some American cities have had death rates of more than thirty per thousand, and the number of deaths among little children in the tenements during hot weather has been appalling (§ 9). *Recent regulations which have protected public health* include laws preventing the introduction or spread of contagious or infectious diseases, requiring the adoption of strict sanitary regulations, especially in cities, prescribing standards for milk, meats, and other foods, as well as regulating the sale of drugs and the practice of medicine.

Quarantine
regulations
for epi-
demics.

There is comparatively *little danger from great epidemics* as serious as those in the past¹; first, because people realize that these diseases have been fostered by filth, which is proscribed by modern health regulations; secondly, because at all seaports strict quarantine is established if there is a possibility of the introduction of any plague.

257. Disposal of Waste. — Clean streets are necessary for the health of city dwellers, since every wind carries multitudes of germs from the dust or filth of pavements.² The

by which at least the poorest paid workers will be relieved of the extra losses and expenses of sickness. Certainly it is better to help directly the worthy laborer who is really sick and in need than to relieve poverty due to sickness or to encourage shiftlessness and imaginary sickness through forms of charity.

¹ It is customary to isolate all cases of contagious or infectious diseases in cities. If an epidemic starts within a city, a more or less general quarantine is established for the section affected. So successful have these sanitary regulations become that the death rate from the more common infectious diseases is now much lower than a few years ago, while the terrible curse of smallpox has almost died out, as a result of vaccination and isolation.

² Marvelous improvements were wrought in New York, 1804-1808, by one man, Colonel Waring, with his "white angels." Waring's work in Havana and Colonel Gorgas' sanitary achievements in the Canal Zone have been even more remarkable. In cleaning the streets of American cities care is taken to have the work done as much as possible by mechanical sweepers at night and if possible after the pavements have been wet to avoid the raising of dust.

collection and disposal of rubbish and garbage is one of the most perplexing problems of American cities. Although this necessary sanitary work is performed usually by city agents, it is frequently performed in an unsanitary manner. Some cities have established *incinerators*, which dispose of all combustible wastes. This method is somewhat more expensive than others. A few cities are following the European plan of separating the solids in refuse and garbage and using the residue as treatment for fertilizer, but this system can be used advantageously only on a large scale.

Need of clean streets and good systems for handling rubbish and garbage.

The most important of the city's sanitary problems from the engineering and health points of view is the *disposal of sewage*. Practically every large city has adopted a network of sewers connected with an outfall sewer to some place at a distance.

The sewage problem.

258. Pure Milk and Meats. — Good health is impossible without pure water (§ 180) and pure milk. Particularly in the tenements there is a close connection between the character of a city's milk supply and infant mortality. Almost all modern cities have definite standards for the quality of milk which may be sold within their limits. Health officers inspect at regular intervals all dairies in order to see that the cows are healthy and the quarters are clean. Ordinances as well as food laws prohibit the use of preservatives in milk.¹

Pure milk regulations.

Local food inspectors examine meat as well as milk, seeking to prevent the sale of spoiled meats or meat which has been kept by the use of preservatives. Local, state, and national inspectors usually supervise carefully the slaughter and packing houses.² A similar work is performed by fruit

Meat, fruit, and weight inspectors.

¹ The milk campaigns carried on in Rochester, New York, and other cities have resulted in a decreased infant death rate. In some communities model milk depots have been established which not only are cleanly but seek to distribute milk at a low margin above cost. In a few cities in the tenement districts during hot weather ice has been sold at cost or below to preserve the children's supply of food.

² National inspectors may condemn meats which are unsatisfactory, the approved product being marked "United States inspected and passed." In the canning and preserving rooms of packing houses and food factories especial care is taken to maintain cleanliness and to encourage the use of up-to-date methods.

inspectors, who condemn perishable foods which have been kept too long. State or local inspectors examine weights and measures to see that scales give honest weight and that the boxes have no false bottoms and are of the size advertised.

National and
state laws.

259. Pure Food Laws. — In 1906 public indignation was aroused against the products turned out by packing houses and manufacturers of foods. The national government and a majority of states at once passed pure food laws. Most of these laws require the manufacturers of foods and drugs to mention certain ingredients of the product, giving in detail the amount of substances which are poisonous or might be considered injurious. Coal tar dyes, a form of coloring matter which is misleading rather than harmful, can now be used at drug stores and in foods only when the words "artificial coloring" are conspicuous. Certain preservatives are prohibited altogether; others, such as benzoic acid, must not be used except in very minute quantities. Oleomargarine may no longer be sold as butter and must pay a tax of ten cents a pound. Patent medicine labels must declare the amount of certain ingredients.

Successes and
failures of
the pure food
laws.

There can be no doubt that foods to-day are much purer than they were fifteen or twenty years ago. Although it is true that the new laws have not attained their object of explaining to the customer the real nature of the article which he is purchasing, to some extent they prevent his buying ingredients or commodities which he does not want. Even the original laws would not have guaranteed the excellence of any food or drug; as interpreted by the courts some regulations which were supposed to have been enacted originally no longer limit the unscrupulous manufacturer of foods or drugs. We still need laws which will protect not only the public but the honest manufacturers from the dishonest producers of foods.

Conditions
and forms of
control.

260. Control of the Liquor Business. — As intoxicating liquors injure health and are held responsible for a large part of the poverty and crime in existence, government control of the liquor business is less for the development of public

S. J. Res. 17.

Sixty-fifth Congress of the United States of America;**At the Second Session,**

Began and held at the City of Washington on Monday, the third day of December,
one thousand nine hundred and seventeen.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —.

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."



Speaker of the House of Representatives.



Vice President of the United States and

President of the Senate.

morality than for the protection of the public. Until 1919 the liquor business was controlled almost entirely through *state constitutions and laws*, although a few national laws had been passed to regulate the interstate liquor trade. A number of war measures were enacted which restricted the use of grains in the manufacture of different kinds of liquor. The last of this war legislation prohibited absolutely the manufacture and sale of liquor after July 1, 1919.

Prohibition
amendment
of the
national
Constitution

In December, 1917, both houses of Congress passed, by more than two thirds majorities, a resolution amending the United States Constitution by prohibiting the manufacture and sale of liquors of all kinds. By January 16, 1919, this had been ratified by the legislatures in three fourths of the states and had been adopted as the *eighteenth amendment*. It went into effect one year later. The law is enforced by federal officers. As most offenders have much respect for Uncle Sam's men, the amendment, which is easily forced on a national scale, has made prohibition a fact as well as a law.

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17. Mothers' pensions. Craiger, S. M., in *Review of Reviews*, 52 (1915), 81-84.
18. Fight for clean milk. Leupp, C. D., in *Outlook*, 101 (1912), 190-198.
19. Disposal of waste. Zueblin, *American Municipal Progress*, 73-86.
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21. Garbage question in small cities. Greeley, S. A., in *Engineering Magazine*, 45 (1913), 101-103.
22. Sewage and garbage problem. Hering, R., in *American City*, 9 (1913), 111-115.
23. Health work of Uncle Sam *et al.* *Review of Reviews*, 49 (1914), 301-320.
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Questions

1. Why is free public education more important in a republic than in a country ruled by a despot? Why is public education for the benefit of society rather than for the individual?
2. What are the boundaries of this school "district"? How many schools are located in it? Learn the number of teachers, the total attendance of scholars, and the cost of maintaining the schools. How many members are there in our school board? Do all go out of office at the same time?
3. What different free public schools are maintained by this state? Are they highly coördinated, that is, do they work together?
4. How long are your school buildings used each school day? How many days are they in use every year? Does your community make use of any school building for night schools? for parents' classes? for university extension work? as a social center?
5. Explain several personal and several economic causes of poverty. To what extent should relief for poverty be governmental? to what extent should it be private?
6. Compare a poor and a good method of looking after (1) dependent children, (2) the insane, (3) poor people needing slight medical attention.
7. Why should the standard of living be raised at least 25 per cent if we could prolong the working life of every adult by five years or more?
8. Name the most important regulations for health in use in this community. Which seem most satisfactory? Which are most deficient?
9. Look up the pure food law of this state. Has this city any regulations that insure pure milk and meats?
10. What is the health argument against the liquor business? the employer's argument? the reformer's argument? If abolition of the sale of liquor is necessary in time of war (§ 334), is it less valuable in time of peace?

CHAPTER XV

LABOR AND INDUSTRY

261. The Laborer, His Labor, and His Wage. — About two persons in every five in the United States work for some one else. These wage earners receive a *wage* which is supposed to represent the value of their labor to the employer. The amount of the wage is agreed upon by employer and employee in a *contract*.

Wages and contracts.

A large number of important public problems arise in connection with labor. One of these is the question of *the status of the laborer*. Formerly, the law treated the laborer simply as the seller of a commodity, his labor. It is only within recent years that some European countries and some American states have come to look upon him, first, as a member of society entitled to a living and to decent treatment as a human being, and secondly, as a seller of labor, a commodity for which there may or may not be a market.

The laborer as a citizen and a seller of labor.

Another public question which has been prominently before the people is this: *under what conditions does the laborer make a contract with his employer?* A few years ago each employee bargained individually with his employer, but during the last half century both capital (§ 275) and labor¹ have organized. Instead of a single employer dealing with a few employees as individuals, manufacturing and transportation are carried on chiefly by huge corporations and

Changing conditions which make collective bargaining necessary.

¹ When the factory system first developed in England, more than a hundred years ago, the union of workers was forbidden by law. Later, English workers were allowed to organize but they were permitted few rights. In America labor unions were almost unknown until the middle of the nineteenth century. In 1834, to be sure, there was a National Trades Union enrolling 26,250 members, but the first really *national labor unions* developed in the period following the Civil War.

trusts, most of the employees of which are members of unions. This change in the industrial world has made *collective bargaining* necessary.

Disadvantages of the employee in making a contract.

To-day the individual worker who seeks an agreement with a large corporation has no real freedom in the making of a contract. He has for sale a perishable commodity, his labor, for he cannot make up to-morrow the work which he might have done to-day. His labor cannot really be separated from him; therefore he must toil under unfavorable conditions rather than not work at all. Furthermore, if he does not like the terms offered by an employer, he cannot afford to wait until the employer offers something better, because the laborers are probably more numerous than the vacancies. In other words, the position is more necessary to him than his work is to the employer. As he has little reserve in the bank, the longer he waits the less he dares to demand. "It is a case of the necessities of the laborer pitted against the resources of the employer. It is only when labor bargains collectively that its bargaining approximates equality with that of capital."¹ These are some of the reasons why laborers form unions² and seek to make bargains collectively with their employers. In the case of women and children, it is absolutely necessary that the public pass laws which protect these workers, as it is obvious that *they cannot protect themselves* against their employers even if they are united.

Limits of the present study of labor.

In the following pages no attempt is made to treat the economic problems which arise from the relations of employers and employees. A few economic facts are stated, and a few conditions are described; the discussion is limited

¹ Andrews and Commons, *Principles of Labor Legislation*, p. 116.

² No doubt many labor unions are badly organized, badly led, and ill-advised. No doubt also, when a union can get the upper hand, it is just as unscrupulous as the worst employer. In a "*closed shop*" in which the laborers dictate to the employer whom he shall "hire and fire," freedom of contract is denied as truly as it is in the case of the most ignorant and dependent employee of a trust. Both capital and labor are entitled to a "square deal" from the public and therefore from each other.

to four distinctively public labor problems: child labor, women in industry, public means of protecting ordinary workers, and industrial peace.

WOMAN AND CHILD LABOR

262. Extent and Effects of Child Labor. — The number of children under sixteen years of age who are engaged in gainful occupations was formerly about *two millions*, five per cent of all wage earners. It is undoubtedly smaller at present, although our laws are not enforced perfectly. Probably not more than one child worker in seven is under fourteen years of age and engaged in particularly undesirable work.¹

Number of child workers of different ages.

The evil influence of child labor is less apparent at the time than in the future, for the loss of necessary play and education must make child workers lag behind in later years because they are *physically unfit and industrially unprepared* for the struggle of life. The effect, however, upon the child is not purely physical; at best he is morally undeveloped.

Physical, moral, and social effects

It might seem as though child labor were cheap but it is not cheap from the viewpoint of either the child or the community. If the child is able to manage a machine which an adult had formerly operated, he is bound to displace some man or woman. Child labor may lead, therefore, either to unemployment of the displaced workmen, or to competition between the youthful workers and the older employees, with lower wages for adults.²

The economic costs of child labor.

¹ The largest number of child laborers in any industry were found in the *cotton mills* of the south Atlantic cities. Formerly many children worked in *glass factories* or in *coal breakers* or in shops. Our larger manufacturing cities undoubtedly house in their *tenement sweat shops* many thousands of child workers whom the census man never sees or enumerates.

In cities there are always a great many comparatively young boys engaged in *street industries*, selling newspapers, blacking boots, or carrying messages. In smaller communities child labor is seen at its worst in the *canneries* in which hundreds of child workers may be found crowded together in conditions unsanitary for civilized beings.

² A by-product of this displacement of labor is noticed when the displaced father or elder brother hangs about a saloon, spending what little money he can find in drink. Sooner or later such a man loses his capacity for work and may even become dependent in part on public charity. Certainly this is a high economic price to pay for a cheap commodity.

Social cost to the second generation.

The final cost of child labor to the community has not yet been stated. In the years to come the child will become an undeveloped, unskilled employee. He will be able to earn less than was earned by his father. He will be less efficient in providing for his own family than his father was for him and his brothers and sisters. In other words, the standard of living of that family group will fall lower and lower, and it will literally be true, that their last estate will be far worse than their first. Such is the social cost of child labor.

Movement against child labor.

263. Public Regulation of Child Labor.— During the later nineteenth century comparatively few laws were passed for the protection of children in industry, but the last two

decades have witnessed revolutionary changes in child labor legislation.



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CHILD LABOR FORMERLY IN USE IN A COTTON MILL.

Although there is no standard of child labor legislation, the national government and most states have adopted the same age limit — fourteen years — under which children may not work regularly for pay. Many of these laws also prohibit night work and work in mines, quarries, and glass factories for children under sixteen years of age.

Some provisions of child labor legislation.

Work either day or night is sometimes prohibited in certain objectionable industries. Nearly a third of our states also have definite legislation on street industries. A national child labor law (1916) was declared unconstitutional, but Congress protected child workers during the war, and a new law will undoubtedly be enacted soon.

In general the American public is satisfied if our legislators make good laws. We pay comparatively little attention to their enforcement, although we know that a fairly good law which is enforced is far better than a very good law which is not enforced. Few states make any adequate provision for state inspectors. If the enforcement of our laws is left to local inspectors, there is little or no coöperation between the state and local inspectors. How many hundreds of thousands of cases of children who are below the legal age limit have been discovered in factories! It is not enough to prescribe a minimum age for workers; the government must require either a birth certificate which will prove conclusively the age of the child or some other equally satisfactory proof of age.

The problem of enforcing laws.

The schools should do far more than they have done. If an attractive scheme of studies is offered, if the school law requires attendance to the age of sixteen, if the truant officer enforces compulsory attendance, there will be no material which greedy employers can secure for child slavery.

How the schools may end child labor.

264. Women as Wage Earners. — Before the Civil War comparatively few women were engaged in industry. About the only way in which women could and did earn money regularly was as domestic servants in some family other than their own. After the Civil War conditions changed considerably. The number of women school teachers increased. The number of factories in which women could manage machines more successfully than men multiplied rapidly. Other occupations requiring skill, tact, or deftness appealed to women workers. Stores began to employ girls and young women as clerks. The public came to tolerate women in the learned professions, as clergymen, lawyers, and architects.¹

Women in industry during the nineteenth century.

¹ In 1870 only thirteen per cent of the wage earners in the United States were women. In 1890 the percentage had risen to seventeen and four tenths, and by 1900 to nearly twenty per cent. We find that nearly one half of all these women workers are from fifteen to twenty-five years of age, and not more than one in five is more than forty years of age.

About two women workers out of every five are still engaged in domestic service. Nearly two thirds as many are at work in factories or mills, the remainder

During the Great War, when several million young men were called to the army or engaged in war work, a very large number of women took men's places, operating elevators, driving automobiles, and working on farms. The demand for nurses, clerks, and other war-workers drew numbers of women away from their regular work. From woman's standpoint the reconstruction problem of labor is one of great importance.

Why women workers are ill-paid and badly treated.

The facts that women are not actively engaged in most industries, that they are physically weaker than men, and that they show less inclination to organize make it possible for employers to employ women under working conditions which men do not tolerate. The pay of women workers has ordinarily been low and they have often been forced to toil in factories that are unsanitary, under conditions of utter disregard for their rights and welfare.¹

Health and comfort of workers in factories and stores.

265. Conditions and Hours of Woman's Labor. — A few years ago it was customary for factory employers to disregard matters which the law now requires them to observe, such as the lighting of rooms, proper ventilation, and sanitation, which are necessary for the good health of the workers and for the real success of the work. Many factories now provide rest rooms and allow periods of rest or make other arrangements which increase the efficiency of women workers. On the other hand, some stores are not only open long hours, especially during rush seasons, but they do not provide the girls with seats or with other conveniences which would increase their usefulness. Saleswomen in many states, however, are now protected by law.

being interested in professional service or in trade. The greatest relative increase during the last quarter century has been among those working in stores. Naturally there are some occupations which are almost entirely monopolized by women. There is a larger percentage of women dressmakers and milliners than there is even of domestic servants, for there are numerous male butlers or chefs and Chinese or Japanese cooks.

¹ The conditions in the ordinary factory are infinitely better than those of the *tenement sweat shop*. In the sweat shop the women and children and old men work long hours for a mere pittance. We need not dwell upon the evils of these industrial dungeons, but in their dark, dismal, unattractive depths we find the condition of the workers the worst in America, a disgrace to our democratic civilization.

During the nineteenth century a few laws were passed which limited the hours of women workers. As a rule the courts overruled these laws, because the laws denied to the women workers complete right to make regulations for themselves.¹ In 1908, however, the Supreme Court of the United States ruled² that public welfare would be promoted more truly by maintaining the health of women in industry than it would be preserved by retaining for them the right of contract in every respect. This principle is at the foundation of our new social constitution (§ 131). Since 1908 many states have adopted legislation limiting the hours of women workers, but these laws are not always well enforced.³

Laws limiting the hours of women workers.

266. Minimum Wage Regulations. — An examination of the wages of women in industry a few years ago revealed the fact that the majority of them did not earn a living wage. Since nearly two thirds of them lived at home, this did not cause any vital social problem. Yet the injustice and the danger of paying women so low a wage have caused considerable agitation throughout the country in favor of a minimum wage for women.⁴

Agitation for a minimum wage for women.

However well the minimum wage may solve a particular difficulty, it is not a solution of the true problem. If a girl

¹ This principle of health protection was upheld by the highest state court in Massachusetts as early as 1876.

² *Müller vs. Oregon*.

³ By 1916 we find that the majority of our states had passed laws providing a maximum number of hours per day and a maximum number of hours per week which any woman should work in ordinary industries. Four of the states have declared that eight hours shall be a day's work and that no woman shall work more than six days a week. A number of others have placed the limit at nine hours and a few at ten. Although there was some opposition when these laws were first adopted, they have been upheld uniformly by the courts. However, our state and local governments have not provided a sufficient number of inspectors nor adequate means for the proper discovery of offenses against these laws and for the proper punishment of the employers by whom they are disregarded.

⁴ The laws in some 11 states declare that a minimum wage for women shall be such as will support a woman worker in decency and some degree of comfort if she is away from home and obliged to pay all of her expenses. In western states a minimum wage has usually been estimated to be from eight to ten dollars a week, varying with conditions. In eastern states the cost of living is somewhat cheaper; therefore the minimum established is correspondingly lower.

Problems that are inseparable from that of minimum wage.

or woman cannot earn for an employer the minimum amount which the law permits that employer to give her, she will be left in the ranks of the unemployed and therefore be worse off than she was before. If we insist upon a minimum wage for women or any other class of workers, we must also guarantee them education and such special training as will enable a normal person to earn this minimum. Ample provision must also be made for the employment of those whom the minimum wage throws out of work.

EMPLOYER, EMPLOYEE, AND THE PUBLIC

Danger of accidents in modern industry.

267. Industrial Accidents. — Since the invention of large, complicated, high powered machines and the growth of great factories and extensive railroad systems, modern industry has become increasingly perilous to the workers. A serious industrial problem is created by danger of accident through the carelessness of the worker, or through his misuse of some complicated machine, or through the fault of a fellow employee.¹

Why society should bear the burden of industrial accidents.

Certainly it is fair that the public, which profits by the work and sacrifice of laborers, should protect them in every way that it can. Whenever possible, employers should be compelled to use all necessary safety devices. Since many risks are unavoidable, and accidents, even fatal accidents, are likely to be numerous, we must see that the burden caused by these accidents is borne by society, because these complicated and dangerous machines are society's means for increasing its wealth and improving the condition of its members.

Nature and limitations of employer's liability.

268. Employer's Liability. — The statement that the public should pay the price of industrial progress seems self-evident. Yet in many states in America to-day — in all

¹ In the United States the overdevelopment of machinery in industry, our haste to be rich, our desire not to interfere with individual liberty, and our dread of a paternal government have made us hesitate to force upon employers rules and devices which would protect life and limb but might reduce the number of dollars earned in industry.

On the number of accidents see § 334.

states until a few years ago — workmen bear the whole burden of industrial accidents. The older legal method of providing a remedy for an injured workman was known as employer's liability. Under this the employer was legally liable for damages on account of an accident which occurred in the course of work unless he could throw the burden on the employee in one of three ways: through the employee's assumption of risk, or the fellow-servant doctrine, or the doctrine of contributory negligence. In most cases these three exceptions relieved the employer absolutely of liability.¹

As damages under employer's liability laws could be secured only through a long expensive lawsuit, many negligence cases were compromised. Miss Crystal Eastman gives this severe yet just indictment of employer's liability: "In many of its principles [it] is unjust; in operation it uses up time, money, and good will, to little purpose; it furnishes small incentive for the prevention of work-accidents, and leaves well-nigh the whole economic burden of work accidents to be borne by the injured workman and his dependents, with consequent hardship and privation. It is to be condemned from the standpoints of justice, method, and practical utility."

Objections
to employer's
liability.

269. Workmen's Compensation. — In many states an attempt was made to relieve the worker from the entire burden of industrial accidents by forcing the employer to pay damages. This was done usually by refusing to let him claim exemption because of the worker's assumption of risks, or the doctrine of the fellow-servant, or that of contributory

Change from
the liability
principle to
that of com-
pensation.

¹ (1) If an employee accepted a dangerous position, the law declared that he took the risk, and therefore was entitled to no damages. This *assumption of risk* on the part of the employee was held by the court to free the employer from payment, even in the case where the employee used a machine which was not equipped with safeguards as provided by law, because the court ruled that the employee need not have used the machine, but might have stopped working.

(2) By the *fellow-servant doctrine* the employer was freed from paying damages for all accidents attributable to another employee. This placed an undue burden upon the injured employee, because most machines and most businesses are managed by many workers.

(3) By the *doctrine of contributory negligence* an injured workman could secure no redress if the accident was due in any way to his own carelessness.

negligence mentioned above. As many people believe that employer's liability is wrong in theory, most states have adopted an entirely different plan, known as the workmen's compensation. By the first day of January, 1920, 42 states had provided by law that when a worker is injured or killed, he or his family shall receive a compensation depending upon the degree of disability.¹

Methods and
successes of
employee's
compensa-
tion.

As many employers, especially those who do a small business, are not on a sound financial basis, the state law usually requires that every employer shall take out insurance in some established company, or in some cases, with a state insurance department. This protects the injured workman fully, since he will not be deprived of his compensation if his employer "fails" in business. Workmen's compensation may not provide a final solution for the problem of accidents in industry, but it is the best scheme yet tried. It may seem to place an undue expense upon the employer, yet in time in practically all businesses, by means of increased prices, the employer may shift the burden to the public, which should pay the cost of accidents as it pays for materials and other costs of production.

Why unem-
ployment is
in every
sense a social
problem.

270. The Problem of Unemployment. — If a man wishes work, his failure to secure a job is in a sense an industrial accident. This failure of the worker to secure a situation at a wage on which he may maintain a decent standard of living is one of the penalties that we are paying for the industrial progress of the last two centuries. We are begging the question if we maintain that it is the fault of the man if he does not secure and keep a position. Admitting that the

¹ For example: in the state of California if a man is killed in the course of ordinary employment, with the exception of farm laborers and some others, his family receives a sum equivalent to 65 per cent of his wages for three years, although the three years' wages must not be less than \$1000 nor more than \$5000. If a workman is injured, he receives 65 per cent of the wages which he loses during the time he is out of work. There is a state industrial commission which supervises the operation of this law, sends out officials who decide the degree of disability in any dispute between the employer and the employee owing to an accident, and decides the amount of compensation which the employer must give.

workman's failure may be due to his lack of preparation, to his lack of skill, even to intemperance or to personal traits which make him an undesirable employee, we must admit that society owed him, yet it probably may not have given him, an opportunity to become skilled and dependable. If his education is defective, and his education in a sense includes his character, the fault may be less his than that of society. If there is no work for a willing and capable worker, the fault is society's; it is the misfortune rather than the fault of the man himself.

It is probably impossible in this country to determine with exactness the number of workers who are not employed. Statistics seem to indicate, however, that one worker in forty is idle most of the time and that, at least one in five lacks employment from one to six months every year.

Extent of unemployment.

In the United States comparatively little has been done toward securing work for these misplaced members of industrial society. In twenty-three states, to be sure, state or municipal employment bureaus have been provided. Some of these try through the post office to bring together employers and workers. A few of the municipal or local bureaus, especially those in Seattle and in cities of Illinois, have attained considerable success, if we consider the number of positions filled. During recent years the national government has sought through the post office to inform unemployed persons of opportunities to work. Private agencies are maintained in almost all large cities, but they are often unlicensed, and in many cases are a positive evil.¹

What has been done by a few government employment agencies.

When we compare public assistance to the unemployed in the United States and in Europe, we are compelled to admit that European countries have done far more to solve this perplexing question than we have. In order that we

Governmental provision in Europe and in America to reduce unemployment.

¹ There have been agencies which made a business of cooperating with foremen in mines or shops. The agency secured a situation for a man, sharing the commission with the foreman who discharged the man within a short time; then the agency secured a position for this man with another foreman on the same terms and provided a second worker for the old foreman with the same division of commissions.

may not interfere with individual liberty, the American people have neglected a problem which cannot easily adjust itself.¹

Definition
and benefits
of strikes.

271. Some Aspects of Industrial Warfare. — A *strike* is a concerted temporary withdrawal from work of a group of employees for the purpose of securing more favorable contracts with their employers. Strikes have been used chiefly to secure higher wages.² When we notice that only one worker in four in a period of twenty-five years is involved in a strike,³ that the resulting increase of wages has usually within three or four years made up all losses of laborers in strikes, that workers in related industries have in time gained an increase of wages due indirectly to the strike, and that employers often make concessions solely for the purpose of avoiding strikes, we can understand how valuable a means the strike has been in raising the wages of labor.

Is industrial
warfare
necessary?

Is it necessary for society to allow industrial warfare, that is, permit labor to make war on capital through strikes and boycotts, while capital retaliates by lockouts and blacklists, in order that labor should receive a just wage? If so, something is radically wrong with us and with our methods of treating the members of our largest industrial class. Certainly there are some businesses in which the public should

¹ In several countries of Europe, notably Germany and Great Britain, some arrangements are made for insurance against unemployment. Provision is made that workmen who are employed shall contribute a small amount to a fund to which both the employer and the government add sums which are probably larger. This fund is used under certain conditions by workers of these classes who are unemployed. Furthermore European employment agencies do valuable work in reducing unemployment.

² At first widespread strikes were used chiefly as means to raise wages. In recent years as many strikes have been caused by the desire for collective bargaining, but as the chief object of collective bargaining is an increase of wages, we may say that most strikes are caused by a demand for higher wages.

³ The average number of strikes which are called each year is about two thousand, involving two or three hundred thousand strikers. They last as a rule less than a month. During the last twenty years of the nineteenth century, they caused losses to workers and employers of many hundred million dollars. More than half of those called by labor unions have been successful in obtaining the demands of labor, and others have brought partial gains. Those conducted without organization of the employees have been far less productive of results.

not permit strikes, boycotts,¹ and lockouts. We should not allow an interruption of service on any *public utility* such as water service, electric lighting, or street or steam railway transportation.² At least the public can and does protect its own rights by *forbidding lawlessness* in connection with all strikes.³

272. Conciliation and Arbitration. — To avoid the losses incident to labor disputes, various remedies have been suggested. Chief among these are trade agreements,⁴ conciliation, and voluntary or compulsory arbitration. Compulsory arbitration of difficulties between employers and employees has not been used in the United States because it might be considered unconstitutional, but there are several state

National and state boards of conciliation and arbitration.

¹ A boycott is a concerted refusal of a group of buyers to patronize some seller. If the buyers have no grievance of their own, but use the boycott as a means of injuring or coercing the seller, the boycott is compound and illegal.

² In these industries strikes should be prevented. If the employees need higher wages or better treatment by their employers, the public must see that they have the improvements which they need. But if this can be done in public utilities, why not to some extent in other businesses also?

To avert a threatened general railway strike, Congress (1916) passed a law making eight hours a day's work at the same wages, temporarily, as had been paid for the old ten-hour day. Later it refused to consider a bill similar to the Canadian Industrial Disputes Act (p. 304, n. 2), and compulsory arbitration was not favored at all. Other laws regarding railways were passed, however.

³ The law declares that sympathetic strikes in which the strikers have no grievance of their own, but seek to benefit coworkers and thus injure the latter's employers are conspiracies and therefore illegal. It prohibits compound boycotts, for these have as their primary object the injury of the producers whose goods are boycotted. It does not allow a group of employers to keep a blacklist of employees who have been discharged by one and may not be reemployed by another. It does not allow strikers to intimidate workers who have been brought in to fill their places, although in many states the laws permit "pickets of strikers, if possible to persuade the new workers not to go on with work which will make the strike a failure."

⁴ A trade agreement is an arrangement made by representatives of an organized group of employers and an organized group of employees concerning wages and all other conditions of work. It has been said that when masters and men can get their feet under the same table the worst of their misunderstanding and difficulties disappear. The public cannot force the two parties to make reasonable trade agreements, but it can use its influence to settle disputes without warfare in one of two ways, (1) by conciliation, or attempts by a third party to bring labor and capital together, or (2) by arbitration, that is, the settlement of disputes by a third party.

boards of conciliation and arbitration ¹ and a national board, which have often been able to prevent strikes and to adjust differences. In two thirds of the states there are permanent boards on which employers and employees are represented equally.

Methods
used by the
states.

In most of these states investigation of disputes may be begun by the board, while with one exception, they must offer mediation in case of actual or threatened strike or lock-out. Cases are never considered by these bodies unless one party asks for arbitration, but if both parties agree to arbitrate, eight states insist that the award be accepted. Other states offer mediation through the state commissioners of labor, still others have local arbitration boards, and a few provide for separate boards for special disputes. The results have been fairly satisfactory in those few states which have undertaken the work with the determination to escape the losses of industrial warfare.² It is probable that the near future will see more interest in industrial arbitration and will develop better means for the successful settlement of industrial disputes.

¹ "When a third party in the form of a private or a public board brings employers and employees together with a view to settling some dispute between the two parties, the process is called conciliation or mediation. Arbitration implies an authoritative board or court which is empowered to make an investigation and to settle the dispute. The suggestions or findings of a board of conciliation may or may not be accepted; the mandates of a board of arbitration are binding upon both parties. Arbitration may be voluntary or compulsory, and primary or secondary. Arbitration is voluntary when both employers and employees agree beforehand to accept the awards of the board. Arbitration is compulsory when the government compels the interested parties to submit the case to the board and to abide by its findings." Carlton, *History and Problems of Organized Labor*, 232.

² In Canada an Industrial Disputes Act forbids strikes in public utilities and mines pending the investigation of the dispute by a specially appointed "board of conciliation and investigation." The board is a publicity body which states the facts, not an arbitration board to decide terms between the parties. New Zealand and Australia have made use of compulsory arbitration. On application of either party of the dispute, government boards of conciliation try to settle the affair. If they fail, the dispute is left to arbitration. New South Wales has a wage board for each important industry. These boards have done a valuable work in the settlement of disputes because they know conditions in the industry better than those can be known by a general board.

THE PROMOTION OF INDUSTRY

273. Government in its Relation to Business. — Modern governments are very closely connected with the business interests of the people, although there is considerable difference of opinion regarding the closeness and character of these relations. Many people believe that a government should limit itself to *warding off dangers* from which a business man cannot possibly protect himself; others advocate the greatest amount of aid to business in the form of *favorable legislation* and actual money subsidies; but the majority believe that business should be *protected and promoted* as far as is demanded by the best interests of the whole people.

Views of
desirable
relations.

So much of our ordinary business is transacted through corporations, which are really artificial persons created by the state, that *supervision of corporations* is essential. Since at least ninety-five per cent of our business is done not with cash, but on *credit*, safeguards are necessary to preserve a credit system. *Contracts*, written or unwritten, play so large a part in commercial transactions that indefiniteness in the law of contracts, or uncertainty in its enforcement, would be fatal to industry and commerce. Moreover, every line of activity is depressed by unjust, discriminating laws, and is benefited by *wise, fostering legislation*.

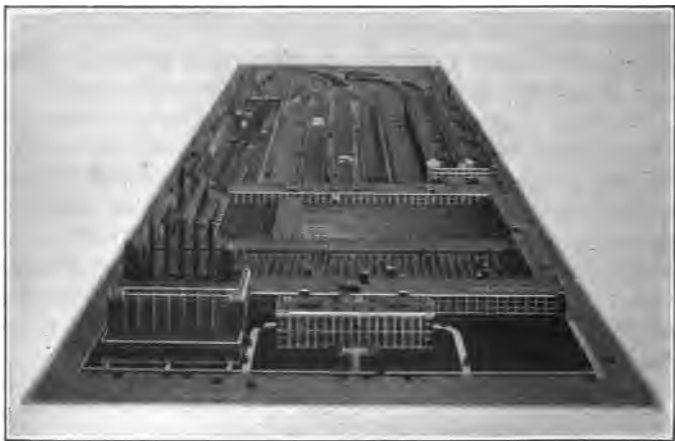
Government
and ordinary
business.

Many undertakings are of such nature that they must be performed or specially supervised by our governments. Since canals or railways are *semipublic enterprises*, they are common carriers and must not manage their business to the disadvantage of any person or community. Public improvements, such as the location and improvement of *highways*, should not be left to private parties. Essentials such as *water* for cities should be owned and managed by the public. Government must have special power of regulation, and, if necessary, prohibition over necessary but *dangerous or objectionable industries*, such as powder factories, gas works, or garbage incinerators. In its final analysis the power to regulate must include, if necessary, the power to *prohibit*.

Government
and public
interests.

Corporations as public beneficiaries and as public servants.

274. Protection and Organization of Industry. — Modern society has encouraged the saving of wealth because it is desirable that we have as much capital as possible. In order to increase wealth we permit persons with savings to combine their capital in a single business organization known as a corporation. A *corporation* is a group of persons legally associated and empowered by a government to act as one person in doing business or performing some other social task.¹ Corporations are endowed by the public with many



A HUGE MODERN INDUSTRIAL PLANT

(This plant covers 276 acres; there are 47.5 acres of floor space actually under roof.)

privileges, including monopoly rights to the use of patented machines,² in order that they may do as useful a work as possible. They should be subject to public supervision and control; otherwise the privileges may be used for private gain, not for the public good.

¹ Corporations not only combine the capital of many savers, but they continue to exist even when their members die. If one stockholder in a corporation wishes to sell his stock, he can transfer it to another person. Corporations are therefore more useful forms of business organizations than partnerships.

² In order to encourage the invention of mechanical devices, Congress permits the Patent Bureau to issue to inventors *patents* which grant them the

As the scale of production increased, a wider market was demanded. In the new markets much greater competition existed than ever before because each large producer competed with other large scale producers of the same kind of goods. In time one of three things happened: (1) either each competitor limited his business to a smaller territory, which ordinarily was impossible, or (2) one of the producers "failed" and was absorbed by the other, or (3) the two, three, or more competitors got together and agreed not to compete with one another. As the last was the most sensible thing from the business point of view, *combinations* usually grew out of the development of large-scale industry, expanding markets, and the resultant keen competition.

Formation of combinations or monopolies

275. Successive Forms of Business Combination. — In the United States since the Civil War we have witnessed several successive forms of combination in industry and in transportation. The public has at all times been an interested spectator of these changes, for it has always opposed combinations and monopolies as bad for the people even if good for the producer. The problem confronting the uniting corporations was to find a form of combination which would meet their business needs and not be illegal.

The problem of combining legally.

The first form of combination used by the large-scale producers was the *gentlemen's agreement*. The firms agreed not to cut prices and, in some cases, not to invade each other's territory. As money could be made by breaking this agreement and some of the members of the combine were not "gentlemen," they broke their word. The others could not appeal to the courts to make the offender keep his contract, because the public would probably have declared the whole arrangement contrary to law.

Failure of the gentlemen's agreement.

exclusive right to manufacture and sell the patented device for a period of seventeen years. It is difficult to overestimate the influence exerted by this system in improving the mechanical methods used in almost every branch of business in the United States. The granting of *copyrights* is intrusted to the Congressional Library, to which application must be made, and with which two copies of each book or drawing are left. The ordinary fee is \$1, and the exclusive right of publication is granted for a term of twenty-eight years with the privilege of renewal for fourteen years longer.

Nature of a pool.

The corporations next devised an arrangement called a *pool*. They agreed to divide up territory and not to cut prices. They tried to keep any member of the combination from breaking this agreement by pooling profits. To each member of the pool who had kept the agreement was then distributed the share to which he was entitled. From a business point of view the pool was successful, but the law interfered by declaring pools illegal.

The trustee form of combination.

Next the corporations placed all of their business in the hands of several *trustees* who were to hold the stock of the different corporations and transact the business of the combination. From this form we get the name "trust." This in turn was declared illegal.

Fate of the holding company.

Then the corporations resorted to the scheme of organizing a new corporation to take the place of the trustees. As the object of this new corporation was to hold the stock of the different corporations, it was called a *holding company*. It also was finally declared illegal.

Formation of great consolidated companies.

A form of combination still held to be legal, unless it is a monopoly (§ 279), is the *giant corporation*. This is a single corporation with very large capital which buys out, or really absorbs, the older competing corporations. The old corporations no longer retain their identity, as was the case in all of the older forms of combination, for there is only one corporation. The United States Steel Corporation is the best example of a giant corporation.

Economies of large scale production.

276. Advantages and Evils of Combination. — Under modern conditions large-scale industry is inevitable. It permits a better use of capital and a more complete division of labor, which in turn lead to a larger output than the same number of workers and the same amount of wealth otherwise would have produced. It enables the producer to buy his materials in larger quantities and in markets where they are cheapest. He can employ skilled chemists or other experts and special time-saving machines which smaller producers cannot afford. He can make use of by-products which would be worthless to a small establishment. The

profits of the oil business and some others come from what were at one time simply by-products. In pork packing houses, for example, it is said that everything is utilized but the squeal. All this economic development is socially valuable because it adds to the wealth of society.

Society loses these economic advantages if the large-scale producers keep the special profits of industrial organization instead of sharing them with the public. If competition can be eliminated, the combination can not only reduce its expenses, but it can charge the public higher prices for commodities. Many combinations have become semi-monopolies, a monopoly existing when any person or group of persons controls ¹ the supply of a commodity.

Why combinations overcharge the public.

Some monopolies are objectionable also because they do not "play fair." They raise prices where there is no competition, but they lower them far below cost where some minor competitor tries to do business. They force the producers of raw materials to sell at the price dictated by the monopolist. They oppress labor because they also have almost a monopoly of employment for certain classes of workers. They browbeat the railways into giving them special rates or rebates. Some large businesses were built up by such means, which are semi-criminal from the social point of view. How our governments have tried to deal with the problem of corporations in general and of monopolies in particular we shall see in the following sections.

Semi-criminal practices of huge combinations.

THE CONTROL OF INDUSTRY

277. The Problem of Corporation Control. — The control of corporations may be said to constitute the great administrative problem of our national and state governments. The national Constitution does not give the national government the right to control industrial corporations, except so far as

State rather than national control.

¹ *Control* does not mean control of the whole supply. With a necessity such as wheat, the control of a very small percentage of the total supply enables a monopolist, e.g. in a corner, to raise prices and gain all the advantages of monopoly.

they are also engaged in interstate commerce (§ 289). The whole task of controlling ordinary corporations is therefore left to the states.

The problem
of control by
a state.

After incorporation in one state, a corporation is allowed under its charter to transact business in any part of the Union. The other states in which it operates find difficulty in protecting the interests of their people, if the privileges possessed by the corporation give it unusual powers. *When the control of one state is more lenient than that of others, large companies will take out their incorporation papers and maintain offices in that state, although most or all of their business may be in other states.* This makes it possible for a corporation to evade a strict corporation law, and makes it impossible for any state properly to enforce a reasonably severe law, much to the loss not only of that state, but of the entire country.

Common
law.

278. State Anti-trust Laws. — Since combinations in restraint of trade were illegal under the old common law, all states may bring suit against any combination or monopoly. Most states have in addition anti-trust laws which provide specific penalties for specific offenses. In some cases the law prohibits the watering of stock and permits the issuance of bonds only when approved by some state official or board. Holding companies are often prohibited. In a few states no corporation is allowed to charge varying prices in different localities if the low prices in any place destroy competition.

Definition of
the term
"monopoly"
in anti-trust
laws.

The anti-monopoly feature of many state anti-trust laws is the most prominent part. It is difficult in a law to define monopoly (§ 276) because monopoly depends on "control" of the company, and a group of persons may be in control when they have considerably less than half of the stock of a company. Likewise a corporation may control the supply of any commodity when its own output is a very small percentage of the whole supply of that commodity. Much depends on circumstances.

If it is difficult to define monopoly, it is still more difficult

to enforce successfully an anti-monopoly law. To be sure Missouri did prove that the smaller oil companies operating in that state were branches of the great Standard Oil Trust. Texas followed this up by suing the Standard Oil Company for violation of its anti-trust monopoly law, and collected fines amounting to more than two million dollars. The whole problem of controlling the trusts by state laws is still full of difficulties.

Difficulties in administering anti-monopoly laws.

279. The Sherman Anti-trust Law of 1890.—The national government has comparatively little control over *industrial* combinations, because the only provision of the United States Constitution which deals with the power of the national government over commerce or industry within the United States is contained in the words, "Congress shall have power . . . to regulate commerce . . . among the several States." Because the states did not succeed in curbing "interstate trusts," Congress in 1890 passed the Sherman Anti-trust law. This declares that "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal." This act was intended to supplement the Interstate Commerce Act (§ 289) which had been passed three years earlier.

Constitutional powers of Congress over industry.

Provisions of the Sherman Act.

At first little attention was paid to the law either by the national government or by the corporations. It was invoked in 1894 to prevent labor organizations from interfering with the movement of trains engaged in interstate commerce. The next year the Supreme Court explained that "any agreement or combination which directly restrains not only the manufacture but the sale of a commodity among the several States comes within the Anti-trust Act." Later the Supreme Court broke up several illegal railway combinations, including the interesting Northern Securities Company. In these railway cases the Supreme Court made clear its position that the restraint was not necessarily unreasonable in order to be illegal. There was, in consequence, considerable

Application of the Sherman Act to 1910.

agitation for amendment of the act, so that combinations might make agreements which are reasonable.

Suits against trusts, including the "rule of reason" cases.

280. Recent Applications of the Sherman Anti-trust Act.

— Since the beginning of the twentieth century many investigations have been made of combinations which have been guilty of acts forbidden by the Sherman Anti-trust Law. Many suits have been brought by the national government against trusts that were monopolies or against practices of the trusts that were illegal. Three or four of these deserve consideration. In May, 1911, the Supreme Court decided two very important cases, those against the Standard Oil Company and the Tobacco Trust. The court drew a line between combinations which gave monopoly control or were in unreasonable restraint of trade and those combinations or acts of combinations which were "reasonable." The court practically reversed its former ruling (§ 279) and declared that "reasonable" restraint of interstate trade is legal under the Sherman Act. For this reason the court ruling is usually referred to as the "*rule of reason*" decision. The Standard Oil Company as a holding company was dissolved and the Tobacco Trust was compelled to reorganize.

Decisions defining the relations of large producers, sellers, and users.

An interesting series of decisions was rendered by the Supreme Court (1912-1914) regarding the rights of producers and of the sellers or users of their products.¹ The court ruled that a producer of any kind of goods could not dictate to the retailer what he might charge for those goods, but must allow the seller to fix his own price.² Since many groups of producers, however, had habitually refused to sell to those retailers who cut prices, a further decision was soon necessary.³ Publishers and other producers could not refuse

¹ In the Rotary Mimeograph Case an incomplete Supreme Court ruled, four to three, that a producer of any instrument could dictate to the user what other materials could be used with the instrument. Because this was believed to give a dangerous power to manufacturers, it has been forbidden by the Clayton Act.

² Sanatogen Case (1913).

³ Macy Department Store Case (1913).

to sell their books or other goods to dealers simply because the dealers charged prices lower than those advertised by the producer. In later decisions the court gave a long list of unfair methods used by trusts which were illegal under the Sherman Act.¹

281. The Clayton Act. — In 1914 the Clayton Act was passed "to supplement existing laws against unlawful restraints and monopolies." The law seeks first to prohibit practices which interfere with reasonable competition. It declares illegal the charging of different prices in different localities for the purpose of destroying some local competitor. Producers are not allowed to say to sellers, "You must not sell any goods but ours." Any attempt is illegal if it keeps dealers from handling goods which might compete with similar goods made by a trust.

Trust practice forbidden by the Clayton Act.

In order to prevent any person or group of persons from controlling industrial or railway corporations which might otherwise compete with one another, "interlocking directorates" are forbidden, that is, no one may be a director of more than one huge bank, trust, or railway. An attempt has been made in the Clayton bill to legalize labor combinations and boycotts, and to forbid the unfair use of injunctions in interstate labor disputes.

Provisions favoring labor and opposing capital.

282. The Federal Trade Commission. — No law can specify all details of any act of which an offender may be guilty. Especially is this true of business, which is very complicated and is changing continually. In order better to regulate corporations which have never been before the courts, the Federal Trade Commission was created in 1914. The body consists of five members, appointed for terms of seven years by the President and Senate, with salaries of \$10,000 a year each. The law declares "that unfair methods of competition in commerce are hereby declared unlawful." The Commission is authorized to investigate the methods of any person, partnership, or corporation not engaged in the banking or railway business which has been or is using any

Organization and duties.

¹ See Williams, W. B., in *Annals of the American Academy*, 63 (1916), 8-11.



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THE FEDERAL TRADE COMMISSION

unfair method of competition in commerce, if action to stop such method "would be to the interest of the public."¹

Methods
used against
offenders.

Parties accused of using unfair methods appear before the Commission, the case is heard, and a decision is rendered. If any parties object to the Commission's decision, they may appeal directly to the Circuit Court of Appeals (§ 241).

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¹ This work of the Federal Trade Commission has nothing to do with *suits* brought against trusts under the Sherman Law and Clayton Act. Offenders may still be punished under those acts. In addition, the Supreme Court may call upon the Commission, if its help is desired in reorganizing a trust, as was necessary with the Tobacco Trust.

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Questions

1. Name several labor problems which are important to the public.
2. What are the effects of child labor on the child and the community
- (1) at the time, (2) during the next generation?
3. What have the state and the national governments done toward the regulation of child labor?
4. Why are there more women in industry to-day than formerly? In what industries are women engaged as wage earners? Why are women ill paid?

5. What has the public done to protect women workers (1) in relation to wages, (2) in regard to hours?

6. Why should the public pay the bills for industrial accidents, so far as that is possible? Why has the employer better opportunities than either the employee or the public to reduce the number of accidents directly?

7. Name the three exceptions to the liability of the employer by which he formerly escaped payment for industrial accidents. Explain four of Miss Eastman's indictments of employer's liability.

8. To what extent has workmen's compensation been adopted in this state? Give the occupations covered, the method of insurance, the process of determining amount of compensation, and the sums payable by law for total temporary disability, for total disability, or for death.

9. Why is the problem of unemployment at the heart of many other industrial problems? Must we not accept the reduction of unemployment as a public duty? What has been done to reduce it in your state or city?

10. Why is good treatment of labor essential for public welfare? Why is it better for labor to gain fair treatment through bargaining than through legislation or the action of industrial courts? Why can labor obtain better terms for itself by collective bargaining than in other ways?

11. What aspects of strikes should be prohibited by law? Why are sympathetic strikes and some forms of boycott illegal? Should strikes be permitted in public utilities?

12. What form of conciliation or arbitration is in use in this state?

13. Explain different classes of industries, from the public point of view, showing the attitude of the government toward each.

14. Describe the successive forms of industrial combination. Give some economic advantages of large scale production? What were some of the evil practices of combinations?

15. Explain the problem of corporation control. Should Congress be allowed to supervise the business of all interstate industrial corporations?

16. What is forbidden by the Sherman Anti-trust Law? What has it accomplished? In what respects does the Clayton Act remedy defects of the Sherman Act? What is the purpose of the Federal Trade Commission?

CHAPTER XVI

COMMERCE

THE GOVERNMENT AND COMMERCIAL DEVELOPMENT

Importance
of highways
and means of
communi-
cation.

283. History of Means of Communication in America. —

The social and economic development of any people depends very greatly upon its means of transportation. If, as in the Middle Ages, the people have no highways, they are apt to form isolated, self-sufficing communities such as the medieval manor. Not only does business need good highways and usable waterways, but social intercourse or intercommunication is necessary to break down provincial barriers between different communities, states, and nations.

Means of
transporta-
tion before
1800.

In this country communication between towns or communities was at first almost entirely by *water*. Traders went along the coast or followed the rivers. There were a few *Indian trails* which were developed first into bridle paths, then into wagon roads. In the later eighteenth and the early nineteenth century, *turnpike companies* were formed which established through highways between large towns or cities. The national government constructed a number of roads, the most important of which was the *national or Cumberland road* from Cumberland, Maryland, across western Virginia, Ohio, Indiana, and into Illinois almost to the Mississippi River.

During the quarter century following the War of 1812, when interest in state enterprises was very great and there were no railways, many *state canals* were built, especially in the region south of the Great Lakes.¹ With the inven-

¹ The most important of these is the Erie Canal from Buffalo to the Hudson River, a canal which has been widened and deepened many times. Some of these canals never paid a fair interest on the money invested; others, like the

tion of the steamboat and the steam locomotive, there began a new era in transportation. The influence of the railways before the Civil War in bringing together the people of the Northwest and those of the Northeast, and at the present time in uniting all sections commercially, can hardly be overestimated.

Development of means of communication after 1800.

284. Public Highways.—Canals, river systems, and great railways are important means of uniting sections, but each community depends more upon its local highways. A city's streets are as necessary locally as is a railway or a river. Country roads are almost as valuable in the development of the rural districts.

Local dependence on local highways.

It is customary to lay out our cities in convenient rectangular blocks, before the land required for streets becomes very valuable.¹ Certainly the rectangular system, which is a success on the level, is not well adapted to a town built upon hills. Occasionally in a hilly section streets are located according to the contour of the ground. All important city streets and boulevards are paved.² Frequently the assertion is made that work on streets and highways is poorly done, although the price paid by the public is higher than any individual would have paid for similar service. Unfortunately this is true.

Location and improvement of city streets.

The problem of locating rural roads is quite as serious as

Erie Canal, repaid the original cost and improvements until they were made free. As freight can be carried by water from the head of Lake Superior to New York for one fourth the cost of transportation by rail, the Erie Canal at least has had a permanent influence in reducing freight rates. The project of making ship canals of the Erie Canal and others is really a national question, as the undertaking is too expensive for the state, to which only part of the benefit would accrue.

¹ The property needed for streets or roads is obtained by the exercise of *eminent domain* (§ 146). The cost of improvement is paid by the abutting property owners unless it is a main business street or a main highway, in which case the cost is borne by the general public.

² *Oiled roads* usually with a macadam foundation of crushed rock are used rather commonly for highways and streets. *Macadam* pavements without oil are used occasionally, *wood blocks* are sometimes preferred in residence districts, and heavy stone *blocks* or bricks are in use in many localities. For business streets a deep concrete base with a smooth surface of *asphalt* is used quite commonly.

Rural
thorough-
fares and
roads.

that of city streets. Formerly country roads ran "up hill and down dale," but nowadays some attempt is being made to have through highways connect the main cities. So far as possible these are direct, but avoid grades; ordinarily they are fairly well surfaced, for we are beginning to realize that the best is the cheapest. It has been proved by experience that a team can haul several times as heavy a load over a hard-surfaced road with minimum grades as it can over the ordinary dirt road even when it is in good condition. We are therefore using modern engineering in order to avoid



A GEORGIA HIGHWAY.

mud in the spring, dust in the summer, and grades at all times.¹ From these at necessary intervals branch highways are constructed to meet rural needs.

¹ In many parts of the United States farmers are still allowed to "work out" their road taxes, contributing a fixed number of days' labor with or without teams. This custom fortunately is becoming rare. The national government has sent road makers to different parts of the country to give object lessons on the means of improving highways and to show the folly of poor roads even in thinly settled territory. Some of the states have expended large sums of money building through roads; some grant to each locality a sum equal to its expenditure for good roads to be used in further road improvement.

285. Governmental Aid to Inland Commerce. — Interstate commerce¹ is much more important than foreign commerce, because it involves a much greater volume of trade. Until about forty years ago, our governments believed their sole duty toward this inland commerce consisted in opening territories hitherto inaccessible, and improving roads and waterways over which interstate trade might be transacted. Appropriations have been made for deepening river channels and constructing interstate canals, as the Sault Ste. Marie Canal.²

River and canal improvement.

Far more vital than water transportation has been the development of railways, possibly the most powerful civilizing force in the modern world. The first railways were very short and were built principally by private capital. A few cities and some states granted subsidies in order to develop the country more rapidly. Michigan and a few other states tried public ownership of railways, without success. As the roads did not pay expenses, they were sold after a few years. The national government gave railways large grants of public lands (§ 314).

Local state and national aid to railways.

286. Consolidation of Railways. — Concentration of capital and consolidation of different companies has been even more characteristic of railway development than it has been of manufacturing (§ 275). Before the Civil War a large number of short lines were brought together into a single railway, under a single management. After the Civil War

Successive stages of railway consolidation.

¹ For an explanation of what is included under interstate commerce, consult Hart, *Actual Government*, p. 507, or Prentice, *Federal Power over Carriers and Corporations*, pp. 168-172.

² This canal connects Lakes Superior and Huron and contains locks nearly 1000 feet long. The annual tonnage passing through the canal has risen to more than seventy-five millions, about three times the tonnage of the port of New York in one year. An undertaking greater than any yet attempted by our national government, except the Panama Canal, is the proposed deep waterway from the Great Lakes to the Gulf of Mexico. By deepening the Mississippi and the present drainage canal from Chicago, with deeper channels for the tributary streams, a waterway would be formed by which freight rates would be lowered and an immense impetus given to commerce throughout the Middle West. The project, like the proposed ship canal from Lake Erie to the Hudson River, probably will be completed by the coming generation.

through trunk lines were formed out of old companies, or were newly constructed.¹ In order to put an end to cut-throat competition between these trunk lines, the railways formed first gentlemen's agreements and then pools. When pools were forbidden by the Interstate Commerce Act of 1887, keen competition again arose. In a few cases the railways resorted to the use of holding companies, but ordinarily they formed much larger combinations.

Huge railway systems of the present time.

Just as the giant corporation (§ 275) was evolved as a legal form of industrial combination, so the great railway system was developed in transportation. The advantages of consolidation were quite as conspicuous in the railway



UNION STATION, WASHINGTON, D. C.

business as in the industrial world (§ 276). By the beginning of the twentieth century, three quarters of the railway mileage in the United States was controlled by eight railway systems, each of which owned the trunk lines in a particular territory, together with the branch lines or feeders which completed them.

General.

287. Railway Problems and the Public. — The railway is preëminently an agent of the public. It is an intermediary by which goods are brought from the producer who has no

¹ Most of these trunk lines connected the Atlantic seaboard with the western Great Lake Basin or with the Mississippi River. A second series of trunk lines extended from an interior terminus such as Chicago to a point farther inland, for example, cities on the Missouri River.

direct use for them himself to those markets in which the consumers have most need of these articles.

The railways are confronted with this additional problem ; they must yield a reasonable return upon their capital. In order to do this they must secure as much business as possible. This means that, if there are several competing lines between two cities, the railway must secure as much as possible of the business between those two cities, even if it cuts its rates considerably from one of them to the other. It follows that *LOCAL rates will inevitably be higher per mile than the rates between COMPETING points.*

Local rates and rates between competing points.

If the cost of freight transportation from producer to consumer is too high, the railroad will destroy the business of its customers, for this reason : if the freight rates are too high, a *producer* cannot continue to produce his goods and pay the rates charged by the railway ; because, if he does, he will be obliged to ask the consumers of his goods more than other sellers demand for similar products. In that case *he will not sell his goods, or he will be forced to sell them at a loss*, a thing which he will not do voluntarily. Therefore he will prefer to drop out of business and the railway will no longer have his goods to carry. Consequently, the railway must charge rates so low that *the producers can continue to produce*, and, therefore, to ship their goods over the railway ; so low also that *the consumers can afford to buy a sufficient supply* of the goods to meet their needs.

Why the railway must not charge rates higher than its customers can pay.

It is quite evident, therefore, that the railways should be favored by the public because of the semi-public character of their work. It is necessary that railways should receive especial privileges in the location of terminals or routes,¹ and in other ways ; therefore it is just that they should be controlled for the benefit of the general public. Of necessity they are *common carriers*, which must treat all customers alike.

Justice and need of public control for a quasi-public crop.

¹ Some of these locations, as mountain passes or narrow valleys or river embankments of cities, make of the railway practically a monopoly. Since the railway also is allowed to exercise the right of eminent domain (§ 146), we can see to what extent the railway business of a necessity is aided and favored by the public.

CONTROL OF RAILWAYS

Beginnings
of state
control.

288. State Control of Railways. — The first attempt by the states to control railways came soon after the Civil War, when too many railways were built and each tried to pay expenses by "charging all the traffic would bear."¹ In Massachusetts a commission was established which investigated the abuses of the railways and their charges. This type of state railway commission depended upon *publicity* in order to remedy the evils to which attention was called. Only a few publicity commissions are still in existence.

Railroad
commissions
with power
to fix maxi-
mum rates.

Most of the states at present maintain *State Railway Commissions*, which investigate the accounts, business, and rates of the railways. They pay some attention to supervising a uniform system of railway accounting, but their chief power in the regulation of the railway companies is the *right to fix maximum rates*. Since commissions have had this power for many years, the railways naturally decided that it would be a good plan to control the commissions. In consequence, for nearly a generation, railways had considerable influence over our state governments.

The modern
state Public
Service Com-
mission.

A constantly increasing number of railway commissions are *Public Service Commissions*, which control not only the steam railways of the state, but many other public service corporations, including municipal or interurban public utilities, such as street railways, water, gas, electricity, and the telephone. The powers of these public service commissions usually include supervision of the issuance of stocks and bonds, and the regulation of franchises, of rates, and of service. They also have the right to prescribe means of safeguarding the lives of the employees of these corporations.

¹ In the western states, in which railway construction had been far in excess of the needs, the farmers' alliances of grangers, gaining control of the legislature, passed laws which forced the railways to charge local freight rates corresponding somewhat to rates between competitive points. As the railways could not afford to do this and still remain in business, many companies went into

289. The First Interstate Commerce Commission. —

One of the state rate-fixing commissions, that of Illinois, applied its laws to certain kinds of trade which was carried on between Illinois and the neighboring states, but the Supreme Court of the United States declared in 1886 that the *Illinois Commission had no right to regulate interstate commerce, as Congress alone had that power*. The next year Congress passed the Interstate Commerce Act to protect the public from the unjust actions of the railways.

We have already noticed (§ 287) that the railways often charged more for a short haul than for a longer distance between competitive points which included that short haul. This was, of course, *discrimination according to distance*. In addition, the railways frequently *discriminated between persons* by giving rebates to powerful shippers.¹ In order to maintain high rates by protecting themselves on the one hand from competition, and on the other from the demands of the shippers for rebates, the railways formed different kinds of combinations (§ 286).

Evils in interstate commerce which needed to be controlled.

The law of 1887 created the first Interstate Commerce Commission, which consisted of five members. The avowed purposes of this act were to abolish pools affecting interstate commerce and to prevent the railways from charging extortionate rates, from discriminating *between* shippers, and from charging higher rates for a short haul than for a long one.²

Composition and powers of the first Interstate Commerce Commission.

the hands of receivers. In order to regulate the railways for the benefit of the public without forcing them out of business, commissions were established.

¹ Usually the railways charged all shippers the advertised rates, but later gave a reduction in the form of a *rebate* or amount returned to the shipper after the goods had been delivered by the railway.

² The Commission could hold sessions, call witnesses, and examine railway accounts whenever any complaint was made or it believed that the rates were unjust. It might declare rates *unreasonable* because they were extortionate or discriminating, but if the railway wished to disregard the decision of the commission, the latter was obliged to carry the case before the courts. The courts hindered the Commission more than they aided it, for they permitted the railways to introduce *new* evidence which had not been presented to the commission, thus making the decision of the Commission valueless because based on incomplete evidence. The courts also prevented the Commission from nam-

Composition,
jurisdiction,
and main
power of the
present Com-
mission.

290. The Present Interstate Commerce Commission. — After years of agitation, both houses of Congress agreed on a new Interstate Commerce Act, enacted 1906 (amended 1910), which replaced that of 1887. The new Commission, composed of seven members appointed by the President and the Senate, has the power not only to declare rates



© Harris and Ewing.

THE INTERSTATE COMMERCE COMMISSION (1916).

“unreasonable,” but to fix the *maximum rates* that shall be charged for the transportation of freight or passengers on interstate lines. It brings under the supervision of the Commission *all interstate “common carriers,”* a term which includes railways, private refrigerator cars, Pullman cars, express companies, and pipe lines (except for gas and water), and interstate telephone and telegraph companies.

ing rates that it considered reasonable, so that the railways could avoid punishment by slightly lowering their rates.

Although this Commission did not succeed fully, it removed many of the old railway abuses. It gave publicity to railway management and accounts, it introduced a fairly uniform system of railway accounting, it prevented the railways from charging grossly unjust rates, and by its constant appeal for more power, aroused public interest so that a new commission was created with more authority.

The present Commission can do much more than its predecessor, because it may supervise the classification of freight and can fix the maximum rate to be charged for transporting any class of freight between two points, but it cannot insure just rates between those points nor reasonable rates everywhere for the transportation of similar commodities. It may make investigations of rates on complaint of shippers or on its own motion. Its decisions go into effect without great delay, and the companies must sue the Commission if they believe that the rate fixed is too low. Under the old law the Commission was obliged to secure the approval of the courts before its decisions were obeyed. There are no long delays as formerly, because *all* evidence must be presented to the Commission. Giving or accepting rebates is punishable by fine or imprisonment. Passes can be given only to railway officials, to employees, or to persons engaged in religious or charitable work. Private car and pipe line monopolies may be broken up. When the railways were returned to private ownership, March 1, 1920, after more than two years of rather unsuccessful public management, the powers of the Commission were enlarged. Railways are now allowed to combine, the United States is divided into areas within which rates are uniform for all roads, and the Commission must allow rates to be high enough to give a good net return on the railway investment in each area.

Powers, methods, and successes of the Commission.

291. Relation of Interstate Commerce to State and Foreign Trade. — One of the greatest railway problems and one of the most difficult problems of railway control is that of equalizing rates or *making rates fair and just between local points as well as terminal points*. Under the Interstate Commerce Act of 1887 the courts ruled first that points which had water competition, and later that cities which enjoyed railway competition, were entitled to lower rates than those which did not. The courts have also permitted the railways to make especially low rates on goods which were being shipped to some ocean terminal for the purpose

Low rates for competitive points and for export goods.

of export to some foreign country. In other words, the courts have upheld the commission in permitting the railways to make such rates on foreign shipments as would permit them to compete in foreign markets. Moreover, the Federal Trade Commission and other national boards have investigated and favored means by which American goods could be exported successfully to foreign countries.

Interrelations of state and interstate business.

Since a state railway commission, in regulating rates between points within its own state, might thereby modify the rates permitted in interstate trade by the Interstate Commerce Commission, it has been necessary to limit the powers of the state railway commissions if they affect interstate commerce.¹

FOREIGN COMMERCE

Our economic dependence on some imports.

292. The Government and Foreign Commerce. — Although the volume of foreign commerce is much smaller than that of interstate trade, it has an importance somewhat out of proportion to its amount. There are many commodities which we cannot or do not produce in this country. Most of our sugar, tea, and coffee are foreign imports. A large share of the rubber which we use for automobile tires is procured from tropical countries. Our experience during the first part of the Great War, when it was impossible to secure German chemicals and dyestuffs, illustrates clearly the difficulties which arise when this foreign trade is stopped.

Congressional control over foreign trade.

Even under the Confederation (1781-1789), the national government had exclusive power to regulate foreign commerce; but it had no real control over international trade, because the theoretical power did not carry with it the actual power. All this was changed, however, when the new successful national government was created under the Constitu-

¹ The courts have upheld the full right of the states to fix rates between intrastate points even if they modify interstate rates slightly, provided first that they do not lower the rate so far as to keep the railways from earning reasonable returns upon the investment, and secondly that the rates established by the state do not favor a shipping point within the state by discriminating against a similar shipping point outside of the state.

tion which gave Congress the right "to regulate commerce with foreign nations . . . and among the several states" and permitted the President with the concurrence of the Senate to make commercial treaties.

Regulations for foreign commerce may be said to be of two kinds: (1) those which aim to help commerce in general, and (2) those that seek to restrict certain lines of trade. Every nation wishes to do as much business as possible with other countries, provided it has the best of the bargain. This is thought to be the case if it sells abroad more than it buys,¹ and consequently many governments make a special effort to increase their *exports*, while almost all have *tariffs* that are often quite high in order to limit imports. According to the Constitution of the United States, neither Congress nor the states may lay any duty upon exports, but Congress may tax imports if the rates are uniform throughout the United States and no preference is given to one port above another.

Aims of commercial laws.

293. The Promotion of our Foreign Commerce. — Since our success in trading with other nations is often taken as an index of our prosperity at home and of our standing as a nation, Congress has passed many laws for the purpose of benefiting our trade abroad. Through the efforts of our consuls, and under the direction of the Bureau of Manufactures in the Department of Commerce, information is being collected and distributed constantly which will aid in opening new foreign markets. The promotion of foreign commerce is accomplished chiefly, however, through such indirect means as *commercial treaties*, *ship canals*,² and harbor improvements.

Direct and indirect means

One nation cannot trade advantageously with another without commercial treaties. Some of these contain a provision known as the most favored nation clause; others are *reciprocity treaties*. If a treaty contains a *most favored*

Commercial treaties.

¹ See footnote no. 1, p. 332.

² On the Panama Canal see Ashley's *American History*, §§ 438-441, especially § 441 on "Importance of the Canal."

nation clause, and either power which made this treaty grants special privileges to any third nation, the same privileges are secured for the other power without a special treaty to that effect.

"Dollar
diplomacy"
and other
temporary
stimuli to
foreign
trade.

Since the opening of the twentieth century particular attention has been given to the *development* of our trade in foreign markets. For many years our commercial and our diplomatic representatives abroad worked together, our foreign policy in some countries being designed to promote our trade and other interests. This was known as "dollar diplomacy." Since the *Federal Reserve Board* (§ 301) has been creating new forms of credit, both at home and abroad, our foreign trade has developed even more rapidly than before. The Great War has given a temporary stimulus to trade with Europe because the "Allies" use large quantities of war munitions and still greater quantities of foodstuffs, but the close of the war is likely to bring us in all foreign markets a far keener competition than we have ever known.

Harbor im-
provements,
and coast
protection.

294. Protection of American Shipping.—Every year vast sums are spent in *river and harbor improvements*, deepening channels, building breakwaters, maintaining lighthouses, patrolling the coasts, and using other means to make navigation profitable as well as safe. Rivers that are used for foreign commerce have been made fit for commercial purposes at vast expense.

Needs of
American
shipping.

Foreign vessels have never been allowed to compete in the coasting trade.¹ After the Civil War shipping declined so greatly that nine-tenths of our foreign exports and imports were carried in vessels flying another flag than ours. In order to develop American shipping, subsidies have been proposed, but have not been granted because we feared that the

¹ Although the American colonies had an unfortunate experience with the British navigation acts, and although the South in the constitutional convention feared that navigation acts would interfere with their commerce, Congress sought from the beginning to protect American shipping by the enactment of navigation laws. These provided that no American could purchase ships abroad, neither could any American ship be owned in part by a foreigner.

shipping trusts would pocket them for their own use. Since we have protected manufacturing by heavy tariffs and have given help (§§ 305-307) to the American farmer, to be consistent we should grant aid indirectly, if not directly, to shipping. The short-sightedness of our shipping policy was made apparent in the Spanish-American War, when we were obliged to buy foreign vessels as colliers, and in the Great War, when our foreign commerce sharply and suddenly expanded, especially in South America and in the East. We have been unable easily to ship all our exports and to take advantage of most favorable trade opportunities because we never had established lines of American-owned ships to South America or far eastern countries.

295. The Consular Service. — We have representatives in all important foreign cities who look after American commercial interests and endeavor to promote our foreign commerce. There are *three important classes* of these *consuls*. First, there are the *consuls general*, who are assigned to the largest cities, and who have general supervision of the consuls near them as well as special charge of their own districts. The second class includes the *ordinary consuls*, who devote all of their time to the duties of their position, and the third is made up of *residents* in small cities, who look after American interests while continuing their regular business.

Classes of
consuls.

The duties of consuls are varied and exacting. They are obliged to report to the Department of State, giving information concerning the amount of foreign commerce within their districts, including the character of the imports and the destination of the exports. They look after the welfare of American merchants abroad who may need their services, take charge of invoices of goods shipped to the United States, aid travelers, and send special reports on subjects which any American citizen wishes to investigate. Among semi-barbarous peoples, cases affecting citizens of the United States are tried in consular courts, because of the imperfect administration of justice in the courts of that country.

Duties.

Selection.
Reforms.

During most of our history we were accustomed to change all consuls and consuls general with the incoming of an administration in Washington. This system of *political appointments*, of course, injured the service. For the first year or two the most efficient consul cannot do satisfactory work in a position where language and conditions are entirely unfamiliar. When the tenure is brief, because a consulship is given solely as a reward for partisan favors, the result is disastrous. The *reform* of the worst evils of the consular system has been accomplished by granting larger pay, by training men for the service, by making appointments on the basis of fitness and promotions for proved ability.

Nature of
foreign trade.

296. Our American Tariffs. — In general our foreign commerce has been restricted by our tariffs, which limit imports and therefore almost of necessity limit exports, since a nation's foreign trade is in the nature of barter and its *total exports* almost balance its *total imports*.¹

Our system
of protective
tariffs.

The right to impose duties upon imports was conferred upon Congress for the purpose of obtaining *revenue*, but, especially since the Civil War, it has been used quite as much to benefit industry within the United States as to gain money for carrying on the work of the government. In other words, most of the time since 1865 our tariff has been distinctively *protective*.² The custom rates have been high upon imported goods which were sold in this country in

¹ This does not apply to *merchandise* exports and imports, because in the United States during the last quarter century we have had a permanently favorable "balance of trade." This is owing to the fact that we exchange our exports not only for foreign merchandise but for transportation services in foreign-owned vessels, for money expended by American travelers, for interest on foreign capital invested here, and in investments of American capital made abroad.

² The effect of this "protection" has been to stimulate manufacturing to such a remarkable degree that in 1914 the value of our manufactured products was twenty-five times as great as in 1860, although our population had but little more than doubled during the same period. The restraint upon foreign commerce exercised by the tariff and other causes is seen when we compare our imports with our exports, the former having been but four fifths of the latter during the year ending June 30, 1914, leaving a "balance of trade" in our favor of nearly \$500,000,000 in a total commerce of more than four billions.

competition with American products,¹ while such articles as tea and coffee, which are not raised in the United States, have come in duty free.

The policy of a protective tariff has been opposed by many Americans, who believe that our prosperity would have been greater if we had made more use of a *tariff for revenue only*.² On this basis we should have much keener competition with foreign manufacturers.

Tariff for
revenue only

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¹ The Payne-Aldrich tariff (1909) had very high protective rates and a *double tariff*. There was a maximum and a minimum rate for each article imported, the minimum rates forming the regular tariff, and the maximum rates being enforced against all nations that did not give us as favorable terms as they gave any other country. Under the Dingley tariff of 1897, it was possible for the government to make *reciprocity treaties* by which the *President and Senate* (with the consent of Congress) might lower the regular duties levied on imports from a country which reduced her tariff schedules in favor of our exports. In addition, if any country paid a bounty upon articles which we imported from her, the Dingley tariff permitted the *President* to increase our duties by an amount equal to the bounty. These additional retaliatory duties were used seldom, whereas a great number of *reciprocity treaties* were negotiated by the Department of State, some of which were accepted by the Senate.

² The present tariff, the Underwood tariff (1913), is not a tariff for revenue only, but its protective rates are lower than those of any other tariff since the Civil War.

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Questions

1. Name the successive improvements in ways of communication in America since 1650. Explain clearly the advantages possessed by each over the preceding in regard to: (1) speed in transportation, (2) cost of carrying goods, (3) ease of reaching a desired point, and (4) commercial or social results of intercommunication.

2. In this locality, how are streets or roads opened? who authorizes the improvement? what part of the expense is paid by owners of adjacent property? how satisfactorily is the work done and how good is the system of highways?

3. Answer for railways all questions given under 5, Chapter XV. Why are railways and the public much more dependent on each other than are the industrial corporations and the public?

4. What methods of state control of railways are in use? What kind of railway commission has this state? Give number of members, method of selection, term, and powers.

5. Compare the original Interstate Commerce Commission with that of the present in regard to membership, carriers controlled, methods used, and powers actually exercised.

6. Why do we need more American sea-going vessels? Name four duties of a consul. Compare the tariffs of recent years.

7. Explain these terms: turnpike, eminent domain, subsidy, pool, rebate, common carrier, reciprocity tariff, discriminatory rates, consul general, favorable balance of trade.

CHAPTER XVII

OTHER BUSINESS ACTIVITIES

Extent of the connection between modern business and government.

297. Interrelation of Modern Government and Business. — Probably no national laws are of greater interest and importance than the Sherman Anti-trust Law and the Interstate Commerce Laws, yet we must look to the states rather than the national government for legislation regarding business. It is said that during a recent period of five years our state legislatures enacted more than fifty thousand laws which deal with some form of industry. Certainly, in the face of these statistics, one would hardly maintain that at least in America modern government has little to do with business, or vice versa, that modern business has little to do with government.

Summary of other business interests.

No action of government influences business more than does the system of money adopted by a national government. It makes an immense difference whether the government selects the most satisfactory money standard, whether there is a sufficient amount of money in circulation, and whether, under proper safeguard for the public, the government permits those forms of credit which will be most advantageous to business. Another important phase of the government's economic activities is the post office, which is the only large business conducted by the national government.¹ Deserving of attention is the work done by the government for the protection of agriculture.

MONEY AND BANKING

Bimetallism.

298. Money Standards. — If a government wishes to give the people both gold and silver coins, it follows *one of two*

¹ On the business activities of the cities, see §§ 177-184 on public utilities.

policies. (1) It allows any one who has gold or silver bullion to bring it to the mint and have it made into coins. This is called *free coinage* of both gold and silver, and the money system is known as *bimetallism*. Under a bimetallic system *both* metals will be coined only in case the gold and silver coins of the same denomination are of the same *real* value. For example, if our national government decides that the gold dollar shall contain 23.22 grains of gold and the silver dollar 371½ grains of silver, although the 23.22 grains of



THE MINT AT PHILADELPHIA.

gold are worth as much as 500 grains of silver in the *market*, then no one will take 23.22 grains of gold to the mint and receive only one gold dollar in return. He will trade his gold for 500 grains of silver and then exchange the 500 grains of silver at the mint for \$1.35 in government silver coins.

If one ounce of gold is worth as much as 30 ounces of silver, the *market ratio* of the two metals is said to be 30 to 1. This ratio varies constantly, because gold and silver, like other commodities that are bought and sold, change in value.

Market ratio
and legal
ratio.

When a government permits free coinage of *two* metals, it must fix the amount of metal of each in coins of the same denomination. There must be, therefore, a *legal ratio* between the two. For example, if the silver dollar under a bimetallic standard contains 16 times as much pure metal as the gold dollar, the legal ratio is 16 to 1.

Mono-
metallism.

Government
coinage of a
second
metal.

(2) The *second method* which a government may adopt is to allow only *one* metal to be brought to the mint for coinage to an *unlimited* amount. The government then buys as much of the other metal as it desires and coins it into money. If there is free coinage of gold only, and the government buys silver to make into coins, then the silver in a silver dollar must be of less value than the gold in a gold dollar; otherwise the silver dollars will be traded for gold *bullion*, and that bullion will be brought to the mint for free coinage. But if the silver in the silver dollar is worth less than 100 cents in gold, let us say 78 cents, then the *credit* of the government must be good for the other 22 cents if the gold and silver coins are to circulate side by side. This system of free or unlimited coinage of *one* metal only is known as *monometallism*.

Laws of 1792
and 1834.

299. History of the American Coinage. — Fortunately for us, Congress, even under the Confederation, adopted a decimal system of coinage, the Spanish dollar being the "monetary unit." In 1792, on the recommendation of Alexander Hamilton, Secretary of the Treasury, the weight of the silver dollar was fixed at $371\frac{1}{4}$ grains of pure silver and of the gold dollar at $24\frac{3}{4}$ grains of gold, a legal ratio of 15 to 1, with sufficient alloy to make the coins hard and durable. Any one who had those amounts of gold or silver bullion was allowed to take them to the mint and have them coined for his own use. Forty-two years later a legal ratio of 16 to 1 was adopted, the weight of the gold dollar being reduced to 23.22 grains fine.¹ After this change

¹ The old, heavier gold dollar was worth more in the form of *bullion* than it was as a coin, so that the gold dollars had gone out of circulation and the people did all of their business with silver.

had been made in 1834, however, people found that the silver dollars were now worth more as bullion than as coins, so that those who had silver did not take it to the mint, but took only gold, and silver almost disappeared from circulation.¹

In 1873, Congress decided that there should be no longer "free coinage" of silver dollars. Afterward, this act was denounced as the "crime of 1873." Later, however, in 1878 and 1890, in response to a demand for silver dollars, Congress passed laws authorizing the Secretary of the Treasury to *buy* silver bullion, and have it coined into dollars. This was a very different matter, of course, from free coinage of silver, for we now had practically a gold monometallic standard, because gold only was subject to free coinage. The silver law of 1890 was repealed in 1893 during the panic of that year, and in 1900 the gold dollar was made the money unit for the United States. Every silver dollar in circulation, the silver of which is actually worth about half of the gold in a "gold dollar," is guaranteed by the national government to be equal in value to gold money of the same denominations.

Laws of
1873, 1878,
and 1890.

Law of 1900

300. Our National Banking System.—In addition to the gold coins which any one can have struck for him at the mints by taking the proper amount of gold bullion, and the silver coins made by the government from silver which it has bought outright, we have in use several kinds of paper money. Some of these, called *gold and silver certificates*, are paper substitutes for the gold or silver which is heavy and bulky for ordinary use. Another form of paper money which is being retired as rapidly as possible consists of the national treasury notes or *greenbacks*, originally issued during the Civil War.

Forms of
government
paper
money.

Much of our paper money at present consists of bank

¹ In 1854, in order to provide business men with small change, the government reduced the amount of silver in the 50-cent piece and smaller coins. As it could not allow free coinage of these lesser coins, it bought the silver and minted the coins.

Establishment of a national banking system.

notes issued by banks which have received charters from the national government. Our present national banking system was established in 1863 for the purpose of creating a new market for bonds which the government was obliged to sell in order to finance the Civil War.¹

Bank notes issued by the national banks.

These national banks are allowed to issue notes equal in value to United States bonds which they have bought and left with the Treasurer of the United States. Since the bonds are excellent security, no one hesitates to accept any national bank note at its face value. These notes have, therefore, *stability*, a quality which all good money must possess. Since their amount, however, is limited by the volume of the bonds which the banks have bought and may buy, the currency lacks *elasticity*, a quality quite as necessary as stability, especially in the autumn, when crops are being moved, and in crises. Under the new Federal Reserve Act (1913), this kind of national bank note is being retired very gradually, and after 1935 they will no longer be in circulation.

Purposes of the system. Federal Reserve Board.

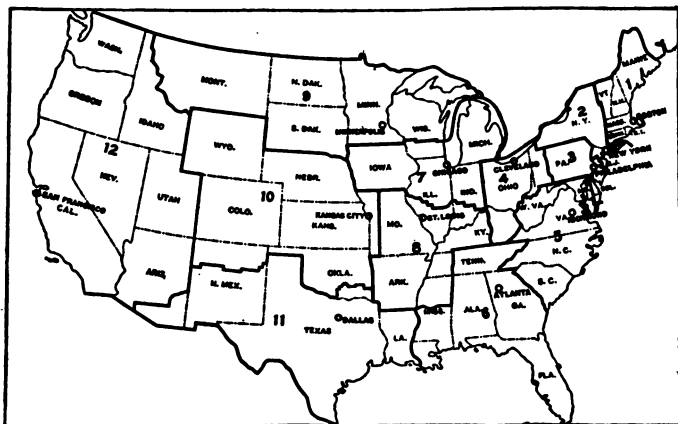
301. The Federal Reserve System. — The national banking system, as it existed from 1863 to 1913, was highly decentralized, because there were many thousand banks in no way connected with one another. In order to unify our banking system, in order to secure a bank currency which should be better adapted to our needs, and in order to enable our national banks to perform better their chief function, that is, the loaning of capital to persons engaged in business, the Federal Reserve Act was adopted in 1913. This act provides for a single Federal Reserve Board consisting of the Secretary of the Treasury, the Controller of the Currency, and five other members appointed by the President and Senate for a term of ten years each. This board supervises the federal reserve

¹ There were in circulation at that time a great many state bank notes which varied greatly in value. These were forced to retire when Congress placed an annual tax of ten per cent on the issues of state banks. Since that time no state bank notes have been in circulation.

banks and the administration of the Federal Reserve Act.

At present the United States is divided into twelve districts as shown in the accompanying map. In each of these there is located a Federal Reserve Bank which is really an organization made up of all the national banks in that federal reserve district.¹ *These Federal Reserve Banks may issue*

Number, notes, and business of the Federal Reserve Banks.



MAP SHOWING FEDERAL RESERVE DISTRICTS.

notes in large quantities,² but the notes are safeguarded against depreciation. They do not do business with the public, but are limited exclusively to dealings with member banks or possibly with other Federal Reserve Banks. Even more important than a better and more flexible system for issuance of bank notes is the opportunity given to the Federal Reserve

¹ Each of the member banks, as they are called, must contribute a definite amount toward the capital of the district Federal Reserve Bank.

² Each Federal Reserve Bank has the right to issue notes of its own, the notes having as security an amount of first class commercial paper equal in value to the reserve notes and a special reserve of gold held in the Federal Bank which is equal to forty per cent of its outstanding notes. *It may thus increase or decrease its circulation of bank notes as needs arise* by buying and holding more first class promissory notes and other securities.

Bank to increase the *loans*¹ made by member banks to business men.²

Land loan
banks.

By a law passed in 1916, twelve land loan banks were created under a single Federal Board. These banks loan money at comparatively low rates to *associations of farmers*, the principal to be repaid in installments over a long period.

Changes in
the value of
gold and
therefore of
money.

302. Wages and Prices. — The value of a dollar is not fixed like the length of a foot rule; it is simply the value of 23.22 grains of gold. That is, it is the amount of other commodities for which 23.22 grains of gold can be exchanged. We realize that a dollar to-day will not purchase as much as it would in 1913, or nearly as much as it purchased a quarter of a century ago. Consequently an income of two thousand dollars will not go as far now as it did twenty-five years ago. These changes in the value of money have, therefore, an important influence on the standard of living, especially of those whose incomes are small.

Need of com-
paring the
wages of
labor with
prices of
commodities.

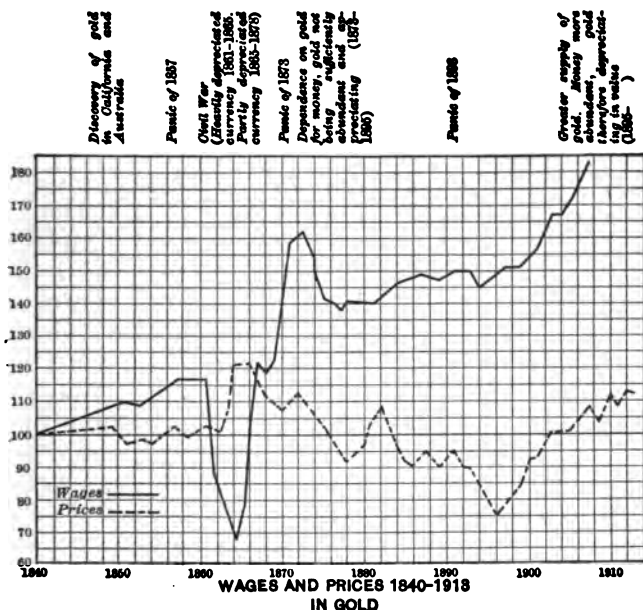
Wages are the price of labor, since they are the amount paid for labor; they are, moreover, a *customary price*. If an employer is in the habit of paying a certain wage or salary, it is probable that he will continue to pay the same wage or salary, whether a dollar will purchase more or less than it

¹ The Federal Reserve Bank helps member banks very largely by "buying," that is, rediscounting first-class two-name paper which the member bank has in its possession. The member bank is then able to make *new* loans for an equal amount to its customers.

Under the old banking system part of the immense reserves of the larger banks in great centers were used from day to day in helping the stock exchange. Under the new law the Federal Reserve Banks as well as the larger commercial banks make use of most of this "surplus reserve" in buying foreign bills of exchange and other first class commercial paper. In this way they perform a far more valuable service to business than they could under the old system.

² As is well known, most of the business done in the United States is not transacted with cash. When a business man pays his bills, he pays not in cash but by a check, payable by the bank in which he has his commercial account. When an importer or wholesaler sells to a business man he usually takes the business man's note for the amount, payable in sixty or ninety days. Professor Irving Fisher has estimated that the total annual value of the transfers made in the United States amounted in 1911 to four hundred and twenty-two billions of dollars, of which only thirty-five billions were cash transactions, the others being handled through credit.

did before. On the other hand, the prices of wheat, cotton, wool, leather, meat, and other commodities which are used for food, clothing, or shelter will change more or less automatically as gold increases or decreases in value. If the price of labor, that is, wages, rises more slowly than the price of food and clothing, then the ordinary laborer will



have a lower standard of living than he had before, because, *although his money wages may be higher, his real wages, that is, the purchasing power of his wages, are lower.*

Prices doubled from 1913 to 1920, and increased seventy per cent from 1916 to 1920. The wages of ordinary workers who were organized increased almost as much; but salaried men and persons with fixed incomes have suffered severely because their incomes will not purchase nearly as much to-day as they did ten or even five years ago. These changes show

Changes due to the recent monetary revolution.

how unstable has been our money standard, based exclusively on the price of gold. The importance of selecting the best possible money standard is shown by this practical problem.

MISCELLANEOUS ACTIVITIES

Public service work of the post office.

303. The Post Office. — The post office is unlike an ordinary business in several respects. It is a necessary means of intercommunication in which all customers should be served equally well, without fear or favor. Uncle Sam has never sought to make money out of the post office. In fact until recent years an annual deficit of several million dollars was customary.¹

Development of the post office.

Even in colonial times, the postal system was under the control of the government, but the rates were exorbitant and the methods in use very different from those of the present. Only letters were carried, stamps were not used, and postage was not paid in advance. It was not until 1845 that we began the use of adhesive stamps. Rates have been lowered greatly at different times. Because the United States is a member of the International Postal Union and because we have special arrangements with different countries, it is now possible to send letters with an ordinary two-cent stamp to many foreign countries, and to reach the remotest countries of the globe by letter for five cents.

Older work of the post office.

The work performed by the post office includes not only the collection and distribution of the mails,² but the transfer of money by means of money orders.³ Free collections and

¹ Post offices are divided into four classes, according to the amount of the business they transact. Nearly nine thousand postmasters are appointed by the President and Senate for the first three classes. The other postmasters, whose salaries are less than \$1000 each, are under the Civil Service Commission (§ 114). Most of the employees, including postal clerks, railway mail clerks, and mail carriers, also belong to the classified service, and are continually re-examined by inspectors to insure efficiency.

² Ordinary mail is divided into four classes. Letters are first-class matter; periodicals, second class; photographs and light pamphlets, third class; and merchandise, including books, fourth class. The rates are highest upon first class, and lowest for second.

³ Both domestic and international money orders are issued at the post offices at a nominal charge, the rate depending on the amount of the order. Valuable

deliveries have been established in cities, large villages, and in many rural districts. The number of daily deliveries depends upon the density of population and the distance from the post office. This service is distinctly inferior to that of many foreign countries, where the mails are somewhat cheaper and deliveries are much more prompt. This



RAPID TRANSPORTATION OF LETTERS BY PNEUMATIC TUBE SYSTEM.

inferiority of our service is due partially to the greater distances in America, and even more to the fact that in the United States the letter service yields a large surplus revenue which is used to make good the deficit from other branches of the business.

304. Newer Postal Work. — Within recent years the United States has adopted some of the new reforms of service which have proved successful in foreign countries, such as a parcels post and postal savings banks. In its

Extension of
postal serv-
ice.

letters and packages can be registered at post offices or by mail carriers at the home by paying ten cents in addition to postage.

rural free delivery the post office in the United States has probably gone farther than other countries. Farmers may purchase goods from the nearest country store, or from a more distant mail order house, and have the goods delivered C.O.D. by *parcels post*.¹ They may also send their butter, eggs, and vegetables to market, having the buyer pay the postman. Many post offices are used as *postal savings banks*. People are allowed to deposit their savings in small amounts in localities which do not possess savings banks of their own.² The system has met with considerable favor in this country, although it has not yet developed as fully as the postal savings banks of Great Britain, France, Italy, and some other foreign countries.

Observations on the postal service.

Although our post office department might undoubtedly be managed more economically than it is, although it has not adopted some improvements used in foreign countries, although it does not perform all the public services of which it is capable, nevertheless, the post office is a very good example of government management. Defects which were conspicuous a few years ago have been remedied; *e.g.* postmasters are no longer appointed under the spoils system and are presumably well fitted for their positions. The remarkable accuracy and skill of many post office employees, particularly railway mail clerks, are characteristics which deserve the highest commendation. There are still many inequalities and defects to be remedied, but the day of wholesale condemnation of post office methods is past.

Important agencies used in agricultural development.

305. Government and Agricultural Development. — Through the Department of Agriculture at Washington a great deal of help is being given to the farmers of the nation. Coöperating with bureaus of this department are the well-

¹ The United States is divided into zones, and rates vary with weight and distance. Decided preference is given to patrons who wish to send large packages short distances.

² Deposits are received in amounts as small as one dollar, but no depositor may deposit more than one hundred dollars in one month, nor may he have a total deposit of more than five hundred. The government pays two per cent interest on deposits.

equipped *State Agricultural Colleges*, to each of which Congress has allotted public lands and is granting annually a sum of \$50,000. The instruction given to the regular students in these schools is supplemented by short courses offered to farmers during the Christmas vacation, by demonstration trains which bring to agriculturists the results of investigation that may prove of value in that locality, by lectures and object lessons at farmers' institutes, and by the



OREGON AGRICULTURAL COLLEGE.

tens of thousands of demonstration farms which are being conducted in accordance with advice from Washington or the nearest agricultural college. Within recent years the national government has tried to reach the farmers more directly by extension work.¹ This practical work consists, to a large extent, in the application of the discoveries made by the experts and students in the *experiment stations*, of which one or more are to be found in every state.²

Our government has made an extensive survey of the soils of the United States to discover their agricultural possibilities. By draining, it has reclaimed swamp lands. Through a study of the soil and means to utilize all possible

investigation and uses of soils.

¹ Smith-Lever Act (1914).

² Congress appropriates \$30,000 annually for each of these exceedingly valuable laboratories which are solving the numerous problems of soil, plant development, diseases of animals or plants, and of other agricultural questions, for the solution of which they have especial advantages.

moisture, the government experts and the farmers have improved the process of dry farming. Alkali lands, on which alkali destroys the fertility of the soil, have been freed from injurious salts by the simple process of flooding the lands.

Adaptation
of crop to
soil.

Government experts have tried to teach the farmers better methods of cultivation; they have explained wiser systems for the rotation of suitable crops by which farmers can replenish the supply of necessary soil elements which have been diminished or exhausted. Many "worn out" lands have been found valuable for crops other than those to which they have been devoted.

Breeding
better plants.

306. Development and Improvement of Our Food Supply. — By the selection of seeds and the better adaptation of crops to soil and of plants to climate, the farmers of this country are learning to get better results. The breeding by government experts of better varieties of corn, wheat, barley, oats, and other staple cereals will mean a gain of several



CORN EXPERIMENTAL WORK.
(Under Direction of University of Illinois.)

billion dollars, without additional cost of cultivation, as the government helps the farmers to select the types which are best suited to their needs. This notable work includes the development of a cotton which resists more easily the ravages of the destructive boll weevil, the doubling of the sugar-producing ability of the sugar beet, as well as types

of cereals and vegetables which require less moisture or withstand greater cold than the ordinary varieties.

Not the least successful of the tasks undertaken by our government is the *importation of new plants or new varieties*. From the interior of China we are obtaining fruits or grains that can be grown on the arid lands of the great plains. Siberia has yielded plants which show greater resistance to cold than any which we have in America. Some varieties of imported alfalfa will grow where ours will not, or will produce a larger number of crops yearly. Excellent examples of the present economic importance of an imported fruit is the Washington navel orange brought from Brazil; of an imported cereal, is durum wheat, which is grown mostly in the land of little rain.

Importation
of valuable
plants.

The work of the government is preventive as well as expansive. All imported trees, shrubs, and animals are examined to prevent the introduction of any dangerous diseases or insects. There are continually being discovered and explained new means for the destruction of insects and diseases which destroy plants such as cotton, oranges, and wheat. Some of the worst diseases have been eradicated already by vigorous treatment. It was estimated that in a single instance an expenditure of \$220,000 saved \$5,000,000 by preventing the spread of a virulent form of cattle disease.

Protection of
animals and
agriculture.

307. Protection against Storms and Floods.—The services of the Weather Bureau in forecasting storms and preventing unnecessary loss to growing crops or to coast trade is so well known as to require little comment. At about two hundred stations regular observers are located who report twice daily to some central office the meteorological conditions in their vicinities. At these central or district offices men are constantly employed comparing the reports and sending out by wire general and local *forecasts*, which are distributed locally by mail as quickly as possible. Reports from these district stations are sent to the main office at Washington, where they are in turn compared by

Organization
and methods
of the
Weather
Bureau.

experts, who at once send out forecasts to the different stations. Reports on the conditions of climate and crops are received from about one hundred sixty thousand persons, and accurate national and state crop bulletins are issued at frequent intervals.

Value of its
work.

Most of us appreciate the importance of the weather forecasts made by the Weather Bureau, though we frequently notice only the failure to indicate the exact changes of temperature for our locality. We do not always realize the immense saving to those engaged in agriculture due to warnings of floods, droughts, or storms, nor do we understand the value, to those who are shipping merchandise from port to port on the lakes or seacoast, of notification that a storm is brewing.

Reservations
and Indian
agents.

308. Indian Affairs. — The obligations of our people to the red men, whose territory has been restricted by each succeeding wave of Western advance, have never received the attention which they deserve. Until 1871, the relations with Indian tribes were arranged in treaties which were broken frequently. The tribal Indians have since been considered wards of the nation, and have had certain rights to lands on *reservations*. At the present time Indian affairs are intrusted to a Commissioner, who looks after the lands, schools, and moneys of all tribes except those that are free to care for their own welfare. The government appoints Indian agents who oversee the distribution of funds and the allotment of lands, great and small. The success of the present system depends to a very great degree upon the character and judgment of those agents, many of whom are conscientious, capable men, although they are often appointed for other reasons than their qualifications.

Aid given to
the Indians.

A large amount of money is expended for Indian day schools and boarding schools; most of this money, however, is the income from lands which are being held in trust by the government for the Indians. It may be said that the problems of education and civilization are being

dealt with in an honest spirit and that an attempt is being made to solve them by making the Indian a citizen,¹ by giving him land of his own,² and by training him in some suitable line of work.

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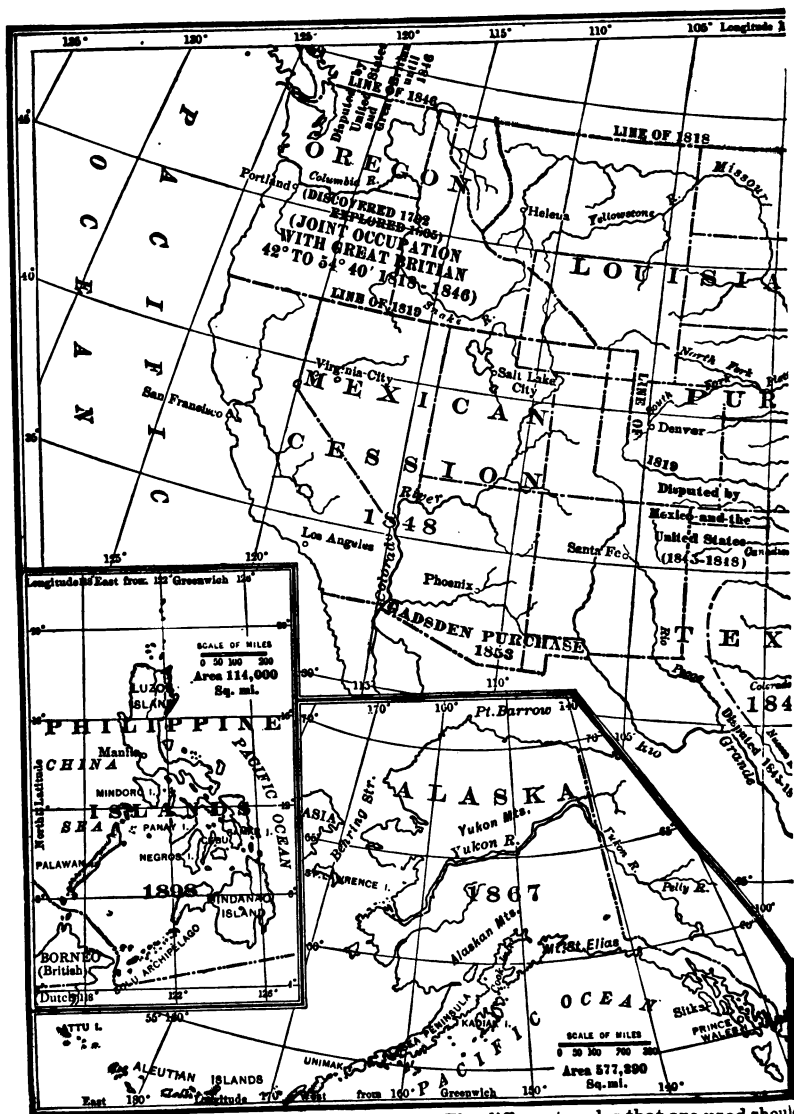
¹ Under the Dawes Act (1887) citizenship was granted outright to the Indians, but full title to the lands was not acquired for twenty-five years.

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Questions

1. Explain these terms: free coinage, bimetallism, market ratio, legal ratio, silver certificate, bank note, reserve, credit.
2. Explain these monetary laws: 1792, 1834, 1878, 1900.
3. What is a bank? Do banks do anything in addition to issuing paper money? What were two defects of the old national banking system? What has the federal reserve system done to remedy these defects?
4. What rates are charged for each class of mail matter? What would it cost to send a one-ounce letter to Montreal? to the city of Mexico? to Paris? to London? What would it cost to send a five-ounce parcel to London? to Berlin? (Newspaper Almanacs.)
5. Under what class does each of the following come: a photograph? handkerchief? manuscript of a poem? books in series published monthly? hectograph circulars? package of seeds? (Newspaper Almanacs.)
6. What have the parcels post and rural free delivery done for the farmer? for the storekeeper in a small town?
7. Show that our soil is our greatest natural asset. Explain the importance of a study of soils; of plant development in agricultural experiment stations; and of importation of new plants.



(The different scales that are used should

CHAPTER XVIII

TERRITORIES AND PUBLIC LANDS

GOVERNMENT OF TERRITORIES

309. The National Government and National Territories. Territorial powers of Congress.
 — Although nothing is said in the written Constitution about the acquisition of territory by the United States, we may distinguish four different territorial powers of Congress: (1) the right to acquire territory;¹ (2) the right to govern it; (3) the right to admit territories as states; and (4) the right to sell or otherwise dispose of any lands, the title to which is vested in the United States. It will be noticed that the first three of these are distinctively governmental; that is, they are not functions which may be exercised by individuals or private corporations, but the last is similar to private ownership.

¹ To its original territory the United States has made additions as follows:

TERRITORY "ACQUIRED"	YEAR	COUNTRY FROM WHICH ACQUIRED	METHOD OF ACQUISITION
"Louisiana"	1803	France	Purchase
"Florida"	1819	Spain	Purchase
Texas	1845		Annexation
"Oregon"	1846		Boundary fixed by treaty
First Mexican Cession	1848	Mexico	Conquest and treaty
Gadsden Purchase	1853	Mexico	Purchase
Alaska	1867	Russia	Purchase
Hawaii	1898		Annexation
Philippines, Guam, and Porto Rico	1899	Spain	Conquest and treaty
Tutuila Island	1899		Treaty arrangement
Danish West Indies	1917	Denmark	Purchase

Provisional
government
of territories.

From the beginning new lands were governed absolutely by the national government before they were organized into territories (§ 312). According to the famous ordinance of 1787, which provided a government for the territory northwest of the Ohio river, at first all territorial officials were selected by the national government and all territorial laws were made by Congress.

What are the
constitutional
elements of
congressional
control?

310. Congressional Control of Colonies.— For several reasons it did not become necessary until recent years to define clearly the powers of Congress over national territories. Before 1898 all national territory was contiguous to the older states, was being settled by people of the American race, and was being prepared for statehood. As the territories acquired after the Spanish-American War were inhabited by people alien in race and political experience to the citizens of this country, the questions arose at once: were these dependencies part of the United States, or did they simply belong to the United States? Did the special limitations placed upon Congress in the Constitution apply to this territory, *e.g.* must duties be uniform throughout the United States and its colonies, or might Congress pass a tariff act for any dependency different from that applying to the United States proper? Must Congress permit right of trial by jury and complete freedom of speech under any and all circumstances?

The "insular
cases."

In the "insular cases" the Supreme Court recognized the right of Congress to decide when the Constitution and its amendments shall apply to territory acquired by the United States, *giving Congress absolute control of new territory* until Congress extends constitutional rights and privileges to the inhabitants of the new lands.

The Philip-
pines under
American
rule.

311. Government of the Philippines and Porto Rico.— After a brief period of military government, the Philippine Islands were permitted to have a civil rule under the law of 1902. In 1916 a new act gave the Islands a much more liberal government. The governor-general and higher judges are appointed by the President and Senate, but the Filipinos

elect twenty-two of the twenty-four members and eighty-one of the ninety members of the Assembly, which together make up the legislature. In addition there are provincial and municipal governments in which the Filipinos have considerable share. The American rule has done much for education, for the development of means of transportation, and for improved sanitation.

Porto Rico has a more liberal government than that of the Philippines, since suffrage in Porto Rico is practically universal. Only the governor and the judges of the highest courts are selected by the President and Senate. The people elect members of both houses of the territorial legislature and have control of their local governments under the general laws. Since 1917 the Porto Ricans have been American citizens.

Government
of Porto
Rico.

312. Government of Organized Territories. — In times past we have usually had a large number of completely organized territories, but since 1912 all land within the continental United States has been in the form of states, of which there are now forty-eight. Hawaii is organized in practically the same form as the old territories.¹

Disappear-
ance of the
organized
territory.

In one sense every organized territory is entirely under the control of Congress, for that body has decided the extent of its boundaries, the form of its government, the share which the people may take in that government, and retains a veto on all laws passed by the territorial legislature. In other words, the territory depends upon Congress for its very existence, and derives from Congress its fundamental law. But a territory has customarily been treated as a rudimentary state, subject to national supervision, although given the right to direct its own affairs as far as possible, in order

Degree of
national
control.

¹ In the Constitution, power is given Congress "to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States." A law passed in 1790 arranged for the location of the district upon the banks of the Potomac, the land being ceded to the United States by Maryland and Virginia, although the part upon the south bank was receded to Virginia in 1846. The district is now governed by three commissioners appointed by Congress, with power to select minor officials, and supervise the administration of all local affairs.

that the habit of self-government shall have become fixed before it becomes a member of the Union.

Government
of an organ-
ized terri-
tory.

A territorial legislature is composed of two houses and holds biennial sessions. It may make laws on all subjects not forbidden by Congress, but any law passed by it may be vetoed by either the governor or by Congress. The principal executive officials are the governor and the secretary, each of whom is selected by the President with the consent of the Senate for a term of four years. The highest territorial court, consisting of three judges, is also appointed by the President and Senate. All local, executive, and judicial officials are elected by the regular voters of the territory.

Preparation
of territories
for state-
hood.

313. The Admission of New States.—No organized territory has believed its territorial government to be other than provisional, the chrysalis form of its existence.¹

Danger and
problems in
state admis-
sion.

In a federal system of government in which every state is entitled to the same rights and privileges as each of the others, the principles governing the admission of new states is of the first importance. No circumstances can justify their admission in order to give help to the party in power in a coming election, nor is the exclusion of a territory for political reasons justifiable. The experience of several states has proved the undesirability of uniting within the boundaries of a single state radically dissimilar sections. For example, in some of the eastern states there has been constant strife between the commercial people of the sea border, the rich farmers of the plains, and the hardy mountaineers. Where these interests are distinct and fairly permanent, much dissatisfaction would have been avoided by a different arrangement of state boundaries.

¹ According to the Constitution of the United States, "No new State shall be formed or erected within the jurisdiction of any other State, nor [may] any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress."

OUR POLICY REGARDING AGRICULTURAL LANDS

314. Public Land Policy in the Past. — The national government became the owner of extensive public lands when the states ceded their claims to the northwest territory and when new acquisitions of territory were made farther west and in Alaska. Exclusive of Alaskan lands this gave us a *public domain*¹ estimated at about two and one quarter million square miles, an area greater than that of the present continental United States west of the Mississippi River.

Great extent of our former public lands.

At first these lands were sold in large blocks, usually to land companies. After 1800 the law permitted the sale of six hundred and forty acres, a section or square mile, to any person at a price of two dollars an acre payable in installments. Later the national government authorized the sale of blocks as small as eighty acres, half of a quarter section, at a cash price of not less than one dollar and a quarter an acre. Still later in 1841 a general *preemption act* was passed. This permitted settlers, heads of families who were citizens or prospective citizens, to occupy eighty or one hundred and sixty acres of public lands before the lands were offered for sale and gave these actual settlers first choice of the new lands at one dollar and a quarter an acre.

Early policy in regard to the sale of lands.

Not only has the national government been exceedingly liberal to settlers and others to whom lands have been sold or distributed, but it has made large grants of land to be sold and the proceeds used for school purposes and public improvements. Since 1848 two sections² in each township³

Land grants for schools or to railways.

¹ This land included almost all of the Mississippi basin, with its rich agricultural lands and large coal fields; the Cordilleran range and plateau, with valuable deposits of minerals; and desirable lands on the Pacific slope, including more than three hundred million acres of mineral, forest, and other lands in Alaska.

² Before 1848 one section only was granted.

³ A township is an area six miles square, divided into 36 square blocks called sections. In surveying public lands, two lines were selected, a *base line* and a

have been *granted for public schools*, other lands have been set aside for state universities and agricultural schools. Lands have been transferred to the states for the construction of highways, notably the national road from Cumberland, Maryland, most of the way to the Mississippi River. About the time of the Civil War important grants were made to many western states for railways within their borders. To the Union Pacific corporation and to other *transcontinental lines* similar grants of alternate sections for about ten miles on each side of the railway were made directly. It is estimated that in the case of at least one transcontinental railway the real value of the land subsidy was much greater than the cost of the entire railway system.

The Home-
stead Act.

315. Agricultural and Grazing Lands. — Most of the West was settled under the preëmption law, which was in force until 1891, or by the *Homestead Act*, first passed in 1862 and slightly modified later. This law permits any citizen or person who intends to become a citizen to acquire title to a quarter section, 160 acres, of ordinary agricultural land by living on it and cultivating it for a period of five years. Veterans are allowed to deduct the time of actual military service after a year's residence on the homestead.

New Home-
stead Act.

By a law enacted in 1909, homesteads of 320 acres are permitted on which the settler shall cultivate the land extensively for five years. The act applies to non-irrigable lands which have not been set aside as either timber or mineral lands.

Desert Land
Act frauds.

Under the Desert Land Act, public lands that are non-irrigable, and unsuitable for agriculture, may be acquired in blocks not exceeding 320 acres, on the payment of \$1.25 for each acre. Both the original Homestead Act and the Desert Act have been used by speculating corporations to acquire large areas of valuable lands at low figures. Un-

principal meridian. The square blocks were laid out from the intersection of that base line and that meridian.

occupied public lands were formerly fenced by cattlemen, who had the use of these lands without charge. A large amount of fraud, brought to light a few years ago by careful investigations, led to a widespread reform in the administration of the land laws.

316. The Irrigation Law of 1902. — The culmination of the liberal land legislation of the United States has been the enactment (1902) and the application of a law for the irrigation of lands which cannot be used for agriculture under natural conditions. The government has planned, and for

General
character of
the work.



THE ROOSEVELT DAM.

Courtesy of Reclamation Service.

years has been constructing, great reservoirs in which the spring floods are stored to be used during the summer and fall for irrigating lands which would otherwise be unproductive. This policy applies only to the states or territories in the western part of the country. The scheme is largely self-supporting, as a *fund* is created by the sale of public land in these states. This money is used to construct dams,

the lands irrigated from these reservoirs are sold to actual settlers, and the money is placed in the fund for further expansion of the work.¹

Problems
and results.

The reclamation service of the Interior Department has achieved remarkable results in discovering districts that might be made arable, in planning and constructing dams amid great engineering difficulties, perhaps hundreds of miles from the territory provided with water. The execution of this plan has involved us in international complications, with Mexico on the lower Rio Grande and the Colorado, because the Mexican supply of water is affected, and with Great Britain on the Montana border. These are but minor incidents in the completion of a plan which will literally "make the desert blossom as a rose."

Advantages
of our agri-
cultural land
policy in the
past.

317. Significance of Agricultural Land Policy. — Nothing has affected more vitally the economic, social, and political development of the United States than the disposal of our agricultural lands. During the years following the Revolutionary War the public lands in the West constituted the chief bond of union among the states. In the West the possibility of acquiring title to public lands was a very important factor in the rapid development of the section east of the Mississippi between 1815 and 1860, and west of the Mississippi after the war for the Union. Our public land policy helped to keep us a nation of small farmers. It aided in the development of a real democracy, which was not simply political, but economic and social as well. It helped us to absorb as true American citizens the multitudes of foreigners who have come to us.

Disadvan-
tages in gen-
eral.

Our public lands were used, however, for the purpose of rapid settlement and immediate economic development, rather than for the public welfare of the future United

¹ Work has actually been begun (1916), on more than 35 of these projects and the total cost of work that has been planned is more than one hundred millions. It is expected, however, that the increase in value of the lands brought under irrigation will exceed the entire cost of construction by 50 per cent. The average value of the crops from these lands undoubtedly will amount to one half the original cost of construction.

States. Defective land laws, lax administration of good laws, and extravagant land grants to railways permitted the accumulation of many huge estates or fortunes. Just as the establishment of small farms, three quarters of a century ago, created a West in which political and economic equality were the rule, in later years the land policy developed a class which grew rich and powerful at public expense, through the misapplication or maladministration of these land laws. In parting with its greatest natural asset, its rich agricultural lands, the United States has made a blunder, in so far as the lands did not become the permanent homes of a numerous and thrifty class of small farmers.

CONSERVATION

318. Our Forest Policy. — Although the forests of the United States now cover more than five hundred million acres, or about one quarter of our total area, it is estimated that, if we continue to cut timber without better methods of reforestation and conservation, our forests will practically be exhausted in less than a half century.

Problem of
American
forests.

The need of protecting our timber lands¹ led in 1891 to the enactment of our national law for the preservation of forests. Great areas have been added to our forest reserves, especially under President Roosevelt, the total in 1915 amounting to 163,000,000 acres aside from reserves in Alaska. These reserves contain nearly one third of the entire forest acreage of the United States. Some of the states also have taken considerable interest in forest reservation, particularly along the Appalachian mountains as well as in the Mississippi basin. A few of the states have

National and
state forest
reserves.

¹ Near the headwaters of streams particular attention is paid to the preservation of forests and plant life, which will conserve the water, forming "sponge-like" reservoirs that prevent the violent spring floods by holding the moisture in the earth. This not only tends to maintain a fairly uniform stream-flow throughout the year, but it prevents the erosion of soil, which is of great value to forestry on the slopes, but is a hindrance to agriculture if it is deposited at the foot of the hills, and a menace to navigation if it is allowed to form bars in the rivers.

created parks noted for natural beauty and for their forests. Among the national or state parks are those at Niagara Falls, and the Yosemite, the Glacier, and the Yellowstone National Parks.

Dangers of forest fire are minimized by the construction of fire breaks on the ridges of the hills, by stringent regulations for campers, and by constant surveillance. Some timber is cut, less for profit than to permit better growth

of the remainder. The extension of governmental authority over private owners for the public good must be permitted because of continued losses and dangers due to deforestation.

319. Water Conservation and Water Power.— In addition to reforestation of water sheds, simple rock dams are now being used in mountain cañons and streams in addition to



reservoirs which hold the flood water. This construction work both prevents the heavy losses due to floods and gives a uniform flow of water in the streams during spring and summer for navigation and water supply. Water storage and conservation also insures the cities an adequate supply of water.

The growing use of *water for power* has been characteristic of recent years. Our supply of fuels is constantly being diminished, but this "white coal" renews itself from year to year; by its use we are able to conserve mineral fuels. It has been estimated on good authority that the amount of water power "reasonably available equals or exceeds the entire mechanical power now in use, or enough to operate every mill, drive every spindle, propel

Means for public protection of forests.

Flood prevention and water control.

Importance of our available supply of water power.

every train and boat, and light every town, city, or village in the country."¹

320. Inland Waterways.—The development of waterways is closely related to the subjects of forestation and water conservation which we have just considered. If undertaken at all, it must be through the agency of our governments, and it must be developed in connection with forestry, storage reservoirs, irrigation, and soil conservation. As Gifford Pinchot says: "Every river is a unit from its source to its mouth. If it is to be given its highest usefulness to all the people and serve them for all the uses they can make of it, it must be developed with that idea clearly in mind. To develop a river for navigation alone, or power alone, or irrigation alone, is often like using a sheep for mutton, or a steer for beef, and throwing away the leather and the wool."²

Interrelation of forestation, water power, and waterways.

About a century ago, before railways became common, there was a strong movement favoring the development of natural and artificial waterways. A sum far greater than that expended upon canals, however, has been devoted to river "improvement." Some of this has been expended for necessary work, but most of it has been wasted.

Public construction of canals and waterway improvement.

In central Europe a wise development of waterways has been of great benefit to business. Since the United States possesses better river systems than Europe, we shall be wise to formulate some policy for the systematic development of rivers and canals. This scheme would include reforestation of water sheds, construction of storage dams, improvement of our larger rivers, which could be made important commercially, and construction of deeper canals and waterways from the seacoasts to the interior.

Need of a broad conservation policy.

¹ It is estimated further that by development our waterfalls will furnish four or five times as much power as is now used in the United States. In spite of the value of these water powers we have permitted many of our best waterfalls and power sites to be seized by powerful corporations. The national government, however, has now withdrawn from entry most of the best water sites on a great many streams.

² It is easy to understand why all navigable rivers are under the control of the national government.

Administra-
tion of the
old coal land
laws.

321. Coal and Other Minerals. — Although the development of our water power will reduce the demand for mineral fuels, every possible protective measure should be made to conserve our coal, petroleum, and natural gas, the supplies of which can never be renewed. According to the national law of 1864, modified in 1873, coal lands may be sold in sections (640 acres) to an association of four citizens at a price of not less than twenty dollars an acre if near a railway, or ten dollars an acre if distant from transportation. Like most land laws of that day, this coal law was interpreted for the benefit of the purchaser, and lands were sold at the minimum prices.

Revaluation
and conserva-
tion of
lands con-
taining min-
eral fuels.

Since 1910, when Congress withdrew from sale nearly one hundred million acres of coal, petroleum, and phosphate lands, our government has been examining and revaluing coal lands which have been offered for sale at much higher prices than formerly. It has been estimated that, if our coal lands were leased by the government at the low rate of 3 cents a ton, by the time all coal on public lands had been mined, the United States government would have received a total revenue of more than twenty billion dollars.

Metallic mineral lands may be taken up by prospectors under a different law, which requires miners to locate claims not more than six hundred feet wide and fifteen hundred feet long, but extending to any depth.

Mining
claims

Aside from the conservation of mineral deposits on public lands, the present government problems are the prevention of waste in mining, the protection of the public from the great corporations that have gained control of most of the iron and copper deposits, and the protection of the lives and health of miners.

Present
problems re-
garding min-
eral lands.

322. The Past and the Future. — The American people should be aroused to the importance and the need of discovering those policies that will make the best use of all our natural resources, for the present and for the future. We must learn from our mistakes, and realize the present truth of the words which Albert Bushnell Hart wrote a score

of years ago :¹ "The golden time is past ; our agricultural land is gone ; our timber lands are fast going ; our coal and mineral lands will be snapped up as fast as they prove valuable. There is no great national reserve left in the public lands unless there should be a change in the policy. Should disaster overtake us, we must depend, like other nations, on the wealth of the people and not on that of the government."

Mistakes of the past.

We have seen in recent years the adoption of a much saner administrative policy in regard to forests and coal lands. The future must bring more radical governmental activity for the conservation of our soil and water, as well as other resources. Especially those most necessary to life should be treated as public utilities, to be protected from monopoly control and used without waste for the good of the public.

The present outlook.

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Questions

1. What territory has been annexed by joint resolution of the houses of Congress? How does it compare in area with that acquired by treaty? What states, besides the original thirteen, have never been national territories?
2. What are the limits of congressional control over national territory? Is an American resident in Hawaii a citizen of Hawaii? Compare the degree of popular government in the Philippines, in Hawaii, and in this state.
3. When was this state admitted to the Union? Were any limitations placed upon it at that time? What is the value of the school lands or the amount of the fund created by the sale of the lands? Does the United States still hold the title to any public lands in this state? Name any public buildings, forts, or reservations in this vicinity belonging to the national government.
4. How may a homestead be secured? Who pays for the huge reclamation projects in the West? Give merits and defects of our agricultural land policy. If our government had retained good agricultural lands, what should it do with them now?
5. What is a forest reserve? Where are forest reserves most valuable? Show the close interrelation between forests, water power, and waterways.
6. Where are the coal beds nearest to us? Are they owned by the government? Why might it be desirable to rent coal beds, using some of the land above the beds for agriculture?

CHAPTER XIX

FOREIGN RELATIONS

DIPLOMATIC RELATIONS AND PROBLEMS

323. International Relations in General. — The relations of civilized nations to one another are determined by long-standing customs or definite general agreements. The name *international law* is given to this code of rules and usages which define the rights of nations in their ordinary dealings with one another. These rules specify the course which two powers at war are supposed to follow in their dealings with each other, these nations being called *belligerents*. They define the rights of other nations, or *neutrals*, and presumably protect them from unfriendly acts of the belligerents. In time of peace they permit the migration of citizens of one country to others, and allow foreign trade to be carried on.

International relations defined through international law.

As there is no international government to make, enforce, or interpret these rules, they are often indefinite and laxly observed. Every nation depends for its protection and the promotion of its interests chiefly on its international prestige, on the treaties made through the skill of its foreign representatives, on the size of its army, and the strength of its navy. Without these protectors it may be browbeaten and subjected to humiliations, as we were during the Napoleonic wars a century ago, or as many neutral states, petty or powerful, are to-day. If it has the misfortune to be inhabited by barbarous or semibarbarous peoples, it may find that it has no rights which the civilized nations are bound to respect.

Protection of national rights.

324. American Influence on World Peace. — From the beginning of her history the United States has exerted her

American
efforts to
protect
neutrals.

influence to secure the rights of neutrals against the aggressions of belligerents. The proclamation of neutrality, issued by Washington (1793) during the war between the French and English, furnished not only an example of firm and moderate action under trying circumstances, but was a model copied by older nations that wished to declare their neutrality. Since the outbreak of the Great War, the United States has been more definitely than ever before the champion of neutrals. She held (to 1917) a difficult and rather consistent course between the "allies" which were endeavoring, by control of the sea and blockade, to force the "central empires" into submission, and the central empires, which were seeking, by submarine and other new means of warfare, to break the food blockade and to keep in touch with the outside world.

International
arbitration.

The United States has long been an advocate of arbitration as a means of solving international difficulties, and has used that method repeatedly since the adoption of the Constitution, especially in the settlement of disputes with Great Britain. For several years before 1908, however, progress in international arbitration was delayed by the desire of the United States Senate to increase its share in the making of arbitration treaties. Since 1908, through the influence of Presidents Roosevelt and Taft and Secretary of State Bryan, a large number of arbitration treaties have been made.

America and
the future of
world peace.

Americans have been very active in the promotion of peace by holding national conferences, by seeking to keep peace in the western hemisphere, and by securing a second Peace Conference at the Hague in 1907. As the only great power with direct access to both the Atlantic and the Pacific, as the most disinterested spectator of European political maneuvers, and of contests in the Orient for territorial, political, or commercial advantage, the United States will undoubtedly have in the future a still greater share in the maintenance of the world's peace.

325. The Monroe Doctrine. — The messages of several Presidents have been the means of announcing new foreign

policies, which have been reaffirmed by subsequent administrations. President Monroe's regular message of December, 1823, and President Cleveland's special message dealing with the Venezuela controversy (1895), have rather clearly defined the attitude of the United States toward the nations of the Old World in their dealings with those of the New. It is well to bear in mind that the Monroe Doctrine, which is recognized and respected almost as a part of international law, is nothing more than the policy of the executive department of our national government developed through three generations.¹

Original and later announcements of the United States.

In spite of a certain indefiniteness, the Monroe Doctrine may be said to include the following principles. No European power can colonize any American territory, with or without the consent of the American republic whose territory is taken; no great European power shall decide territorial controversies with the weaker American states to its own advantage; no one of the great nations may occupy or retain the territory of a republic of this continent to guarantee the payment of debts owed in Europe. On the other hand, we do not object to the use of force, if necessary, to collect debts that a Spanish-American state may refuse to pay, nor do we interfere in ordinary disputes between the nations of the Old World and the New, although we always offer our services in the settlement of the controversy.

Principles of the present Monroe Doctrine.

During recent years there has been considerable interest in what might be called the Pan-American Doctrine. In a much narrower and truer sense than the Monroe Doctrine

The Pan-American Doctrine.

¹ As the Monroe Doctrine is the policy of the President of the United States, it varies with each executive. President Roosevelt favored a very great extension of the doctrine. Other chief executives have wished to restrict it. Continued misgovernment in a Latin-American republic, coupled with interference with foreigners and foreign property rights, certainly calls for supervision by the United States, as Roosevelt insisted, or for interference by European powers if American diplomacy and moral suasion fail. Unfortunately the more progressive Latin-American countries fear Uncle Sam's interference more than that of Europe. The Monroe Doctrine arouses the hostility of these people and interferes with their friendship for us and their trade with us. We must expand the doctrine, or we must limit it to unwarranted interference by Europe, or we must abandon it.

it advocates the idea of "America for Americans." It seeks to create solidarity of interests, especially commercial and international, among the republics of the north and south American continents.

Process of negotiating treaties.

326. The Making of Treaties. — The foreign policy of the United States depends to a very great extent upon the wishes of the President, although he does all of his business with other nations through the Department of State, and is compelled to gain the consent of two thirds of the Senate before any treaties take effect. The actual negotiation between the United States and a foreign power is conducted by our Secretary of State in Washington (§ 236), or by our ambassador at the capital of the nation interested. The provisions of a treaty of peace at the close of a war are usually arranged at the capital of some neutral nation, both contestants being represented by special envoys plenipotentiary.

The Senate and the ratification of treaties.

In order that a treaty may not be rejected by the Senate, the executive department is accustomed to consult the leaders of the Senate Committee on Foreign Relations. The Senate never hesitates to reject the whole or part of a treaty or to amend any section. If the change is relatively unimportant, it will usually be approved by the foreign government, otherwise negotiations are broken off entirely or begun again as for an entirely new treaty.¹

Use of treaties in the acquisition of territory.

Many Presidents, through the exercise of the right to make treaties, have won fame for themselves, and given opportunity for national development, by acquiring new territory. This expansion has added greatly to the power of the national government, not only through the prestige gained for the President by acts of such far-reaching importance, but on account of the increased use of executive and congressional authority in governing the new territories (§§ 309-311).

¹ Although treaties are made without consulting the House of Representatives, they are as much a part of the supreme law of the United States as statutes passed by the Congress. A treaty supersedes a previously existing statute with which it is in conflict, although it may in turn be abrogated by a later law. If a treaty deals at all with questions of finance, the injustice of not consulting the House is evident, and the more popular chamber may refuse to grant appropriations to carry such a treaty into effect.

NATIONAL DEFENSE

327. The Need of Preparedness.—One of the most serious of all national problems is that of defense against other powers. Before the Great War the nations of continental Europe were obliged to maintain large standing armies on account of their nearness to one another. Before 1914 England did not believe in a large standing army, although her most able military leader of the early twentieth century, Lord Roberts, had shown the necessity of conscription for real military preparedness. On the other hand, England, because of her insular position and her numerous scattered colonies, had placed great dependence upon her navy. While her continental neighbors were vying with one another in the size of their armies and the number of their reserves ready for instant use, England sought almost with frenzy to keep her navy nearly twice as large as that of any other power.

The problem of preparedness in Europe before 1914.

The United States, having no powerful neighbors, has given the subject little thought until recent years. The advantage of adequate military and naval preparedness for war, as a preventive of war or as a means of successful protection if attacked, has been emphasized many times in the half century just closed. Since events of recent years have proved that international faith is kept no better among modern civilized nations than it was a century or two ago, we must not be blinded by our desire for peace, by our determination to keep peace, or by the establishment of peace conferences and courts such as those at the Hague. Events since 1914 prove that in case of a great international conflict, it is not easy for the most peaceable neutral, even at a distance, to keep out of war.

Lessons of the Great War to America.

Congress has the sole right of declaring war, of raising an army, and of creating a navy, and of maintaining the militia. As the President is commander in chief of the army and navy, he may bring on war not only through diplomatic negotiations, but through forceful invasion of an enemy's

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The United States, having no powerful neighbors, has given the subject little thought until recent years. The advantage of adequate military and naval preparedness for war, as a preventive of war or as a means of successful protection if attacked, has been emphasized many times in the half century just closed. Since events of recent years have proved that international faith is kept no better among modern civilized nations than it was a century or two ago, we must not be blinded by our desire for peace, by our determination to keep peace, or by the establishment of peace conferences and courts such as those at the Hague. Events since 1914 prove that in case of a great international conflict, it is not easy for the most peaceable neutral, even at a distance, to keep out of war.

Lessons of the Great War to America.

Congress has the sole right of declaring war, of raising an army, and of creating a navy, and of maintaining the militia. As the President is commander in chief of the army and navy, he may bring on war not only through diplomatic negotiations, but through forceful invasion of an enemy's

Military powers of Congress and the President.

territory or infringement of their rights. In time of war no President has ever taken personal command of our military forces.

Standing
armies in
the past and
at present.

328. The Army. — Until recent years public sentiment in the United States has favored a small standing army. In the eighteenth century fear of military despotism caused our forefathers to insert in the Constitution the clause which permits Congress to vote money for an army for a period not longer than two years. In the nineteenth century the army included not more than 25,000 men; after 1901 the maximum was 100,000. By the law of May, 1916, the regular army was increased to two hundred and eight thousand, with arrangements for reserves and for a larger force in time of war.¹

Raising an
army during
the Great
War.

After the war broke out in April, 1917, the question arose, should we depend upon a volunteer system or have a selective draft. The latter plan was favored and was adopted in May, 1917. The first selective service law provided that the *national army* should be organized from those able-bodied young men, without dependents, who were not less than twenty-one or more than thirty. They were divided into five classes, according to the number of their dependents and the character of their work. As provided by the "work or fight" provision, some were assigned to the army and others were expected to engage in essential industries. In August, 1918, a second selective service law was passed, which provided for the registration of all other men between eighteen and forty-five inclusive. From the first group a national army of more than two million was created, supplemented by a regular army and a volunteer army of more than a million others. By 1920, the army had been returned again to a peace footing and a standing army of only 280,000 including the Philippine scouts.

The value of an army depends far more upon its organization, training, and equipment than upon its size. Quite as

¹ When war occurs the regular force is supplemented by volunteers who enlist usually for a term of three years or for the period of the war. During the Civil War the enlistments numbered 2,859,132, chiefly volunteers, from a loyal population of a little more than twenty million.

important is the skill of the officers and the organization of the General Staff (§ 236). Since 1802 officers have been trained for the American army at the West Point Military Academy.¹ Other officers are trained in different schools, and civilian camps have recently been established at which the rudiments of military tactics have been taught.

Training of
military
leaders.

329. The Militia. — In colonial times the men of the village met on the village "green" or "common" for drill. At the beginning of the Revolutionary War the colonial militia, known as the "minute men," were first in the field. When the Civil War broke out, President Lincoln immediately called upon the states for seventy-five thousand militiamen. Later he asked for four hundred thousand men. We can see from these statements that the American people have favored a militia and have made use of militia in time of emergency.²

Dependence
on a militia
in the past.

Under the law of 1916 the militia is organized as a definite supplement to the national army, and they may be drafted into the regular army. Even if they remain a militia force, they may be called upon by the President to suppress insurrections and repel invasions, for they are subject to the same rules as the regular soldiers, except that they may be kept in service only nine months in the year.

Militia
organization
at present.

330. Naval Defense. — Because of our geographical situation and our lack of powerful neighbors, we place dependence upon a navy rather than upon an army. The long coast line with fine harbors giving entrance to our largest cities, our interests in the Canal Zone on the borders of the Caribbean, a sea of great future importance, our depend-

¹ Each congressional district or territory is permitted to send one cadet, who is named by the representatives when a vacancy occurs; two are appointed by the senators from every state, and forty are selected by the President from the country at large. After a four years' course, graduates of the academy are granted commissions as second lieutenants in the regular army.

² Theoretically this branch of the military service includes all able-bodied men between the ages of eighteen and forty-five, a total of more than thirteen million. Only a little more than one per cent of these, however, are enlisted regularly and under discipline. They form the actual militia, known as the national guard of the United States, and are in no sense a reserve army.



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SCENE AT THE ANNAPOLIS NAVAL ACADEMY.

encies in mid-Pacific and at the gateway of the Far East; all these require naval and coast defenses of superior character.¹ If navies are desirable at all, no other country save



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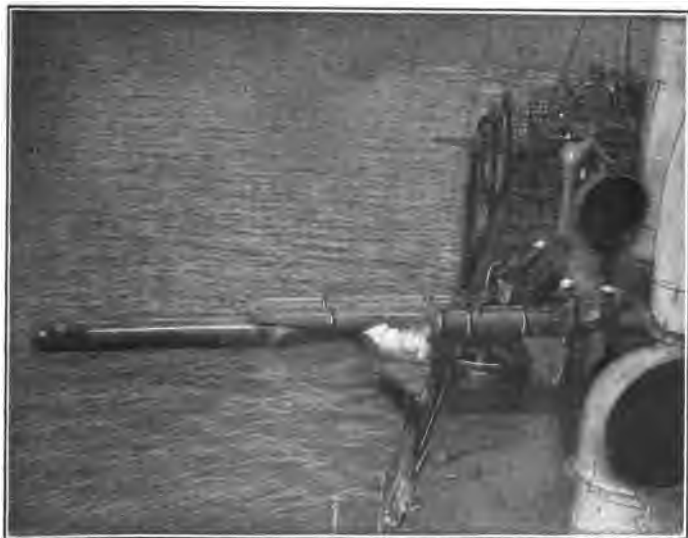
THE BATTLESHIP NEVADA.

¹ To facilitate the movements of the navy, naval stations have been established at various places with intermediate coaling stations. A hundred million dollars have been spent for the construction of docks and navy yards, the latter

England requires so great a navy as the United States of America.

In these days, when an ordinary war can be fought in one third of the time in which a battleship can be constructed, if we are to have a navy, there seems to be no alternative but the constant construction of great fighting machines, which improvements will make obsolete within a few years.

Some problems of naval preparedness.



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FIRING A TORPEDO FROM A DESTROYER.

As we are no longer a seafaring people and have no large merchant marine, we usually lack sailors and colliers in time of war. These needs must be considered. Modern wars are fought chiefly by engineers; therefore our engineers, in case of war, should not be inferior to those of any opponent. Since 1845 we have had a naval academy at Annapolis, Maryland, for the training of officers. Many of our seacoast

being now equipped for building war vessels, including battleships. We now have also a government plant for the manufacture of armor plate.

Land and
water pro-
tection.

states have in addition a naval militia, and during recent years many civilians have interested themselves in naval affairs.

331. Coast Defense. — In theory, at least, our preparation for war has been undertaken with a view to avoiding future conflicts. This has made it especially necessary to defend our coasts, because of the great value of the property that might be destroyed by hostile vessels. At all prominent sea-ports, some forms of coast defense are provided. The most



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A COAST DEFENSE BATTERY.

important of these are the *coast defense vessels*, which may be heavily armored monitors or floating batteries, and the *land batteries*. The channels are well guarded by *torpedoes* or submarine *mines*, controlled from the nearest fort or battery by means of electricity.

The most powerful weapon of coast defense is the *submarine*. Of course many harbors are totally undefended, or so inadequately that a fleet could reduce the defenses without difficulty, but we should keep in mind the fact that undefended ports may not be bombarded, according to international law.

Need.
Present
laws.

332. Pension Legislation. — Control of military affairs demands not only consideration of possible future wars, but reparation for past conflicts.¹ National honor requires that

¹ The pension policy of the United States has passed through two periods. Before 1890, only those who had been actually disabled in service, or who had been left destitute by the death in war of the wage earner of the family, received pensions. Since 1890, any soldier who suffered the loss of even a finger in battle, or has since become unable to provide for himself, can be placed on the pension list. By the law of 1907 pensions of \$12 or more are given to all old soldiers over sixty-two years of age, increasing to \$20 at seventy-five years. In 1915 pensioners numbered 748,147, and the expenditures were \$164,387,941.

the families of those soldiers who gave their lives for their country in the time of its extremity shall not be left to suffer for want of the necessities of existence. Congress has, in fact, done much more. Any soldier or seaman who



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GATHERING OF VETERANS FOR GETTYSBURG REUNION (1913).

enlisted in the Civil War, and who is now unable to earn a livelihood, may receive a monthly pension from the government. Old-age pensions are also given to soldiers, irrespective of their disability. Numerous soldiers' homes, besides special sanatoriums, are provided for aged or invalid veterans. During the Great War a compensation plan was adopted. (see § 269). In case a soldier died or was disabled, special extra monthly payments were made to his dependents.

333. The Problem of Military Preparedness. — As indicated above, preparedness to-day is different from preparedness a few years ago. Whatever may be the ultimate influence of the Great War, it has proved conclusively that a little preparedness is a dangerous thing. While we

Need of preparedness.

are not threatened by near and dangerous neighbors, nevertheless, so long as international faith seems to be kept only with the strong, if we are to be prepared in case of war, we should be effectively and thoroughly prepared from a military and naval point of view. It is said that, if we have a finer navy and a larger army, we shall be tempted to engage in war. If we must choose between two evils, unpreparedness or the possibility of war in which we are the aggressors, let us choose the lesser evil.

True elements of military preparedness.

Military preparedness does not consist chiefly in an army or in fine battleships. Modern wars are far more affairs of engineers and of munitions than they are of fortresses and warships. One modern cannon with trained men "behind the gun" will accomplish ten times as much as a cannon manned by ignorant officers and unskilled gunners. All wars have proved that raw troops are no match for a much smaller number of veterans. In short, military preparedness consists far more in the quality and the thoroughness of the preparation than in the amount.

Real preparedness as a means of securing world peace.

Military preparedness may or may not be a part of real preparedness (§ 334). Real preparedness will guarantee safety if trouble is forced upon us; it will enable us to work more effectively for peace. If we are prepared, we can help the neutrals of the world to organize a league which shall protect their rights and secure permanent peace. Possibly we may be able to lead the way toward some international government which will organize all civilized Christian nations into a league or state for the purpose of keeping the peace of the world. Such a league must be adequately organized; it should have a police force, a strong army, and authority to uphold the law which must not be broken by greedy financiers, unscrupulous politicians, and ambitious nations.

Some things which war has done for civilization.

334. Real Preparedness. — Much as we dislike war and shrink from the horrors and inexcusable destructiveness of war, we must admit that wars, even in modern times, have done something toward advancing civilization. War is

often a modern miracle worker. There are people who in peace were lazy, selfish, and extravagant, living useless lives, satisfied with themselves, and content to forget the hardships which others suffered and the injustice of the social and economic order under which they lived. War came, and these people, forgetting self, foregoing leisure and luxury, made sacrifices for home and country which have made them better men and women individually, and which made their nation great. Reformers had pleaded, business men had urged, physicians had contended that liquor was an evil and a menace to modern society, yet war, which accepts no efficiency except the highest, did more for the suppression of the European liquor traffic in one year than moralists, scientists, and employers had accomplished in the preceding generation.

War must not be a greater civilizing agency than peace. If our schools give a slipshod, half-hearted education, absolutely lacking in thoroughness; if our industrial life is noted for its inefficiency, its poor methods, and its lack of results; if society is divided into classes in which a few have all the wealth, power, influence, and rights, while the many bear all the burdens and meet with nothing but injustice; then peace rather than war is the failure. We read with horror of men shot down brutally in great masses, yet some of us have never given a thought to the army of workers that every week give up their lives as victims of modern economic progress. In a single year, in this civilized country of ours, five times as many people are killed in industry as fell on both sides at the great three days' battle of Gettysburg. But this is not all. The injured victims of our industrial system number considerably more than a million every year; few European countries had as large an annual list of wounded soldiers in the Great War.

Real preparedness is a process of more thorough preparation, of greater efficiency in the school, in the office, and in the shop, of better character. It will not be content with selfishness, personal or national, nor will it be satisfied with a patriotism of peace one whit less true and whole-hearted

Why peace
must accom-
plish more
than war.

Prepared-
ness as the
path to per-
sonal and
national
greatness.

than the patriotism evoked by war. It demands that we give thought, and ever more thought, to our country and its problems, for our country and its needs.

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Questions

1. Compare the rights of neutrals in relation to belligerents with the obligations of neutrals toward belligerents.

2. Give reasons why the United States has developed into a world power. What has the United States done for the protection of neutrals? for the development of world peace?

3. State the principles of the original Monroe Doctrine; of the Monroe Doctrine at present.

4. Name at least four representatives of the United States at foreign courts. Name two foreign ambassadors at Washington. Give some account of at least two of these men. Are there any consuls of foreign powers in the city in which we live?

5. Why is naval preparedness important to America? What is the purpose of the West Point Military Academy? What is the value of a militia to-day?

6. Look up the number of vessels of each class in the navy. Compare the navy with that of Germany; with that of Japan. What is the difference between a battleship and a battle cruiser? between a battle cruiser and a protected cruiser? between a cruiser and a torpedo boat? between a destroyer and a submarine?

7. Why is military preparedness a matter of engineering, of training, of munitions and of finance rather than of soldiers? Why is real preparedness a matter of thoroughness and excellence in all of the arts of peace? What reforms in present conditions are necessary to develop real preparedness?

APPENDIX

A. CONSTITUTION OF THE UNITED STATES

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

**PREAM-
BLE.** Ob-
jects of the
Constitu-
tion.

ARTICLE. I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

CONGRESS.
Two
houses.

Section 2. [1] The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

*House of
Represent-
atives.*
Term and
election.

[2] No Person shall be a Representative who shall not have attained to the age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

**Qualifica-
tions—**
age, citi-
zenship,
residence.
**Method of
apportion-
ing repre-
sentatives.**
(Part in
brackets
super-
seded by
Sec. 2 of
Amend-
ment
XIV.)
Census

[3] [Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall

- Temporary apportionment.** not exceed one for every thirty Thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.
- Vacancies.** [4] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.
- Officers.** [5] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.
- Senate. Election and term.** *Section 3.* [1] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.
- Division of Senators into three classes.** [2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.
- Vacancies.** every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.
- Qualifications — age, citizenship, residence.** [3] No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.
- Vice-president.** [4] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.
- Officers.** [5] The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.
- Trial of impeachments.** [6] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried,

the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

[7] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Judgment
in cases of
impeach-
ment.

Section 4. [1] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Both
Houses.
Times,
places, and
method of
electing
members.
Time of
meeting.

[2] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. [1] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Member-
ship regu-
lations.
Quorum.

[2] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Rules of
each
house.

[3] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Journals.

[4] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Special
adjourn-
ments.

Section 6. [1] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony, and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for

Members.
Compensation
and privi-
leges of mem-
bers.

any Speech or Debate in either House, they shall not be questioned in any other Place.

Disabilities of members.

[2] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Bills and resolutions.

Revenue bills.

Veto of President on bills.

Section 7. [1] All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

[2] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Veto on resolutions.

[3] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Powers of Congress.

Section 8. The Congress shall have Power [1] To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and

provide for the common Defence and general Welfare of the United States; but all duties, Imposts and Excises shall be uniform throughout the United States;

[2] To borrow Money on the credit of the United States;

[3] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

[4] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

[5] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

[6] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

[7] To establish Post Offices and post Roads;

[8] To promote the Progress of Science and useful Arts by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

[9] To constitute Tribunals inferior to the supreme Court;

[10] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

[11] To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

[12] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

[13] To provide and maintain a Navy;

[14] To make Rules for the Government and Regulation of the land and naval Forces;

[15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

[16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.

[17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the

Taxation.

Borrowing.

Regulating commerce

Naturalization and bankruptcy.

Coins, weights, and measures.

Counterfeiting.

Post offices.

Patents and copyrights.

Inferior courts.

Piracies.

War.

Army.

Navy.

Land and naval forces.

Militia, in service.

Militia, organization

Seat of government, and stations.

Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; — And

Supplementary legislation.

[18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Limitations on powers of Congress.

Slave trade.

Section 9. [1] The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

Habeas corpus. Bills of attainder and ex post facto laws.

[2] The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Direct tax.

[3] No Bill of Attainder or ex post facto Law shall be passed.

[4] No Capitation, or other direct, tax shall be laid, unless in Proportion to the Census or Enumeration hereinbefore directed to be taken.

Tax on exports.

[5] No Tax or Duty shall be laid on Articles exported from any State.

Uniform commercial regulations.

[6] No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

Finance.

[7] No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Titles of nobility and presents.

[8] No title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Limitations on powers of States.

Section 10. [1] No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin

Money; emit Bills of Credit, make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the obligation of Contracts, or grant any Title of Nobility. Specific prohibitions.

[2] No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress. Limitations on imposts.

[3] No State shall, without the Consent of Congress, lay any Duty of tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay. Prohibitions removable with consent of Congress.

ARTICLE. II.

Section 1. [1] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same term, be elected, as follows: .

[2] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector. [The electors shall meet in their respective States, and vote by ballot for two Persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than

PRESIDENT. Term. Presidential electors and method of choosing President.

(Part in brackets superseded by XII amendment.)

one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]

Dates of elections.

[3] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

Qualifications, citizenship, age, and residence.

[4] No Person except a natural born Citizen, or a citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

Presidential succession.

[5] In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Compensation.

[6] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Oath of office.

[7] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. [1] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

Powers of President.

*Military, super-
visory, and
judicial.*

[2] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

*In treaties
and in
appoint-
ments.*

[3] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

*Tempo-
rary
appoint-
ments.*

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

*Legisla-
tive
powers.*

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

*Liability
to
impeach-
ment.*

ARTICLE. III.

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the

*JUDICI-
ARY.
Courts.*

**Judges :
term and
compen-
sation.**

Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

**Jurisdic-
tion.**

Section 2. [1] The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; — to all cases affecting Ambassadors, other public Ministers and Consuls; — to all cases of admiralty and maritime Jurisdiction; — to Controversies to which the United States shall be a party; — to controversies between two or more States; — between a State and Citizens of another State; — between Citizens of different States — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or subjects.

**Original
and
appellate
jurisdic-
tion of
Supreme
Court.**

[2] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

**Jury trial.
Place of
trial.**

[3] The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

**Treason :
definition,**

Section 3. [1] Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

**punish-
ment.**

[2] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE. IV.

**NATION
AND
STATES.**

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every

other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof. Interstate comity.

Section 2. [1] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. Interstate citizenship.

[2] A Person charged in any State with Treason, Felony or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime. Extradition of criminals.

[3] No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due. Fugitive slaves.

Section 3. [1] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress. Admission of new States.

[2] The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State. Government of national territory.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence. Protection of States.

ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes as Part of AMENDMENT OF CONSTITUTION.

this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE. VI.

MISC-
LANEOUS.
Preexist-
ing nation-
al debt.
Suprem-
acy of
Constitu-
tion,
treaties,
and na-
tional law.
Oaths of
national
and state
officials.

[1] All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[2] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

RATIFICA-
TION.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth
IN WITNESS whereof We have hereunto subscribed our Names,

G. WASHINGTON -

Presidt. and Deputy from Virginia

[and thirty eight members from all the States except Rhode Island.]

**ARTICLES IN ADDITION TO, AND AMENDMENT OF,
THE CONSTITUTION OF THE UNITED STATES OF
AMERICA, PROPOSED BY CONGRESS, AND RATIFIED
BY THE LEGISLATURES OF THE SEVERAL STATES
PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.**

[ARTICLE I¹]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Prohibitions on Congress respecting religion, speech, and the press.

[ARTICLE II¹]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Right to bear arms.

[ARTICLE III¹]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Quartering of soldiers.

[ARTICLE IV¹]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Right of search.

[ARTICLE V¹]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand

Protection of accused in criminal cases.

¹ First ten amendments proposed by Congress, Sept. 25, 1789. Proclaimed to be in force Dec. 15, 1791.

Jury, except in cases arising in the land or naval forces, or in the **Militia**, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[ARTICLE VI¹]

**Rights of
accused
regarding
trial.**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

[ARTICLE VII¹]

**Jury trial
in law-
suits.**

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[ARTICLE VIII¹]

**Bail and
punish-
ment.**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[ARTICLE IX¹]

**Unenu-
merated
rights.**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[ARTICLE X¹]

**Undelega-
ted pow-
ers.**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

¹ First ten amendments proposed by Congress, Sept. 25, 1789. Proclaimed to be in force Dec. 15, 1791.

ARTICLE XI¹

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Exemption of States from suit.

ARTICLE XII

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two

New method of electing President.

(To supersede part of Art. II, Sec. I, cl. 2.)

(Proposed Dec. 12, 1803. Declared in force Sept 25, 1804.)

¹ Proposed September 5, 1794. Declared in force January 8, 1798.

highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII

Abolition of slavery. (Proposed Feb. 1, 1865. Declared in force Dec. 18, 1865.) *Section 1.* Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV

Citizens of the United States — protection of. (Proposed June 16, 1866. Declared in force July 28, 1868.) *Section 1.* All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

New basis of representation in Congress. (Superseding part of Art. I, sec. 2, cl. 3.) *Section 2.* Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any

office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by two-thirds vote of each House, remove such disability.

Disabilities of officials engaged in rebellion.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Validity of war debt.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV¹

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

Voting rights of citizens of the U. S.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI²

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

Income Tax.

ARTICLE XVII³

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State

Direct election of senators.

¹ Proposed February 27, 1869. Declared in force March 30, 1870.

² Ratified February 25, 1913.

³ Ratified May 31, 1913.

shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Method of
election.

Tempo-
rary ap-
point-
ments.

When vacancies happen in the representation of any State in the Senate, the executive authority of each State shall issue writs of election to fill such vacancies: *Provided* that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII¹

Prohibition

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX²

Woman
Suffrage

The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

¹ Ratified January 16, 1919.

² Ratified August 26, 1920.

B. AREA AND POPULATION OF THE STATES

STATE	BECAME MEMBER OF UNION	AREA SQUARE MILES	POPULATION		ELECTORAL VOTE	
			1910	1900	1910	1900
Alabama . . .	1819	51,998	2,138,093	1,828,697	12	11
Arizona . . .	1912	113,956	204,354	122,931	3	—
Arkansas . . .	1836	53,335	1,574,449	1,311,564	9	9
California . . .	1850	158,297	2,377,549	1,485,053	13	10
Colorado . . .	1876	103,948	799,024	539,700	6	5
Connecticut . . .	1788	4,965	1,114,756	908,420	7	7
Delaware . . .	1787	2,370	202,322	184,735	3	3
Florida . . .	1845	58,666	752,619	528,542	6	5
Georgia . . .	1788	59,265	2,609,121	2,216,331	14	13
Idaho . . .	1890	83,888	325,594	161,772	4	3
Illinois . . .	1818	56,665	5,638,591	4,821,550	29	27
Indiana . . .	1816	36,354	2,700,876	2,516,462	15	15
Iowa . . .	1846	56,147	2,224,771	2,231,853	13	13
Kansas . . .	1861	82,158	1,690,949	1,470,495	10	10
Kentucky . . .	1792	40,598	2,289,905	2,147,174	13	13
Louisiana . . .	1812	48,506	1,656,388	1,381,625	10	9
Maine . . .	1820	33,040	742,371	604,466	6	6
Maryland . . .	1788	12,327	1,295,346	1,188,044	8	8
Massachusetts . . .	1788	8,266	3,366,416	2,805,346	18	16
Michigan . . .	1837	57,980	2,810,173	2,420,982	15	14
Minnesota . . .	1858	84,682	2,075,708	1,751,394	12	11
Mississippi . . .	1817	46,865	1,797,114	1,551,270	10	10
Missouri . . .	1821	69,420	3,293,335	3,106,665	18	18
Montana . . .	1889	146,997	376,053	243,329	4	3
Nebraska . . .	1867	77,520	1,192,214	1,066,300	8	8
Nevada . . .	1864	110,690	81,875	42,335	3	3
New Hampshire . . .	1788	9,341	430,572	411,588	4	4
New Jersey . . .	1787	8,224	2,537,167	1,883,669	14	12
New Mexico . . .	1912	122,634	327,301	195,310	3	—
New York . . .	1788	49,204	9,113,614	7,268,012	45	39
North Carolina . . .	1789	52,426	2,206,287	1,893,810	12	12
North Dakota . . .	1889	70,837	577,056	319,146	5	4
Ohio . . .	1803	41,040	4,767,121	4,157,545	24	23
Oklahoma . . .	1907	70,057	1,657,155	790,319	10	7 ¹
Oregon . . .	1859	96,609	672,765	413,536	5	4
Pennsylvania . . .	1787	45,126	7,665,111	6,302,115	38	34
Rhode Island . . .	1790	1,248	542,610	428,556	5	4
South Carolina . . .	1788	30,989	1,515,400	1,340,316	9	9
South Dakota . . .	1889	77,615	583,888	401,570	5	4
Tennessee . . .	1796	42,022	2,184,789	2,020,616	12	12
Texas . . .	1845	265,896	3,896,542	3,048,710	20	18
Utah . . .	1896	84,900	373,351	276,749	4	3
Vermont . . .	1791	9,564	355,956	343,641	4	4
Virginia . . .	1788	42,627	2,061,612	1,854,184	12	12
Washington . . .	1889	69,127	1,141,990	518,103	7	5
West Virginia . . .	1863	24,170	1,221,119	958,800	8	7
Wisconsin . . .	1848	56,066	2,333,860	2,069,042	13	13
Wyoming . . .	1890	97,914	145,965	92,531	3	3
Total States . . .	—	3,026,719	91,641,197	75,615,857	531	483

¹ 1907.

C. SUMMARIES ON CITIZENSHIP AND GOVERNMENT

I. FUNCTIONS OF GOVERNMENT

In his admirable book on *The State*, Woodrow Wilson enumerates eight "constituent" or essential functions of government.

(1) The keeping of order and providing for the protection of persons and property from violence and robbery.

(2) The fixing of the legal relations between man and wife and between parents and children.

(3) The regulation of the holding, transmission, and interchange of property, and the determination of its liabilities for debt or for crime.

(4) The determination of contract rights between individuals.

(5) The definition and punishment of crime.

(6) The administration of justice in civil causes.

(7) The determination of the political duties, privileges, and relations of citizens.

(8) Dealings of the state with foreign powers: the preservation of the state from external danger or encroachment and the advancement of its international interests.

As a partial list of these optional or "ministrant" functions, Woodrow Wilson gives the following:

(1) The regulation of trade and industry. Under this head I would include the coinage of money and the establishment of standard weights and measures, laws against forestalling and engrossing, the licensing of trades, etc., as well as the great matters of tariffs, navigation laws, and the like.

(2) The regulation of labor.

(3) The maintenance of thoroughfares, — including state management of railways and that great group of undertakings which we embrace within the comprehensive term "Internal Improvements."

(4) The maintenance of postal and telegraph systems, which is very similar in principle to (3).

(5) The manufacture and distribution of gas, the maintenance of waterworks, etc.

(6) Sanitation, including the regulation of trades for sanitary purposes.

(7) Education.

(8) Care of the poor and incapable.

(9) Care and cultivation of forests and like matters, such as the stocking of rivers with fish.

(10) Sumptuary laws, such as "prohibition" laws, for example.

— Wilson, *The State*, §§ 1478, 1479.

II. OLD AND NEW INDIVIDUAL RIGHTS

THE OLDER CONSTITUTIONAL RIGHTS

1. Right to the equal protection of the laws.

2. The right of persons accused of crime to be safeguarded in criminal trial procedure.

3. Freedom of speech, press, and religion.

4. No person shall be deprived of life without due process of law.

5. Freedom from compulsory quartering of soldiers in time of peace; freedom from searches and seizures in homes and dwellings.

6. No person shall be deprived of liberty or property without due process of law.

7. Right to bear arms.

NEW ECONOMIC AND SOCIAL RIGHTS

1. Equal opportunities for all in the Open Market:

(a) The equal use of public facilities such as railways, canals, terminals, warehouses, wharves, etc.

(b) Freedom from unfair and corrupt methods of business competition, — fraud, misrepresentation, combinations to destroy a competitor, exclusive contracts to stifle competition, etc.

2. Right to real protection *against* criminals. Cheaper and quicker justice.

(a) A simplified, less technical procedure in both civil and criminal suits.

(b) A more complete, efficient and thorough police system in both city and country districts.

(c) A more careful sifting of the chance offender from the habitual criminal.

3. The freedom of the consumer from extortionate and oppressive charges in all articles of common use, meats, foods, drugs, beverages, shoes, clothing, coal, tobacco, sugar, oil, express and transportation charges.

4. No person shall be deprived of the opportunities for improvement, education, and recreation, even with due process of law.

5. Freedom from overcrowded, unsanitary houses, factories, and stores; right to tenement and factory inspection and regulation.

6. Right to full participation in economic progress and a salary or wage payment that will support a reasonable standard of living.

7. Right to æsthetic and other higher enjoyments of civilization.

D. CIVIC PROBLEMS¹

INTRODUCTION

- I. SOCIAL ORGANIZATION
 - General
 - Social structure
 - Social coöperation
- II. SOCIAL CONTROL
 - Importance
 - Forms
- III. SOCIAL AIMS AND WELFARE
 - Life and a good standard of living
 - Social ideals and standards
 - Social welfare and progress

PART I

SOCIAL PROBLEMS

- I. SCHOOL CITIZENSHIP
 - Preparation for life in the school
 - Forms and methods of self-government
 - The problem of self-direction in school
- II. POVERTY
 - Standards of living
 - Causes
 - Remedies
- III. CRIME
 - Causes
 - Treatment
 - Social justice
- IV. CITY CONGESTION
 - The city slums
 - Housing reform
- V. PUBLIC HEALTH
 - Past and present
 - Sanitary regulations
 - Possibilities of the future

¹For the last half of a year course in "Social Economics" given by the author, about half of these topics are required, and the students are allowed to select others which they wish to discuss. These students have had at least American history and civics; most of them have had the principles of elementary economics.

VI. MARRIAGE AND DIVORCE

The family in the past
Causes of divorce
Remedies

VII. IMMIGRATION

History of immigration
The present problem
General results, including political, economic and social results

PART II

ECONOMIC PROBLEMS

I. CHILD LABOR

Causes
Extent
Effects
Public Regulation

II. WOMEN IN INDUSTRY

History
Extent and conditions at present
Legislation
Health and safety
Hours
Minimum wage

III. SOCIAL INSURANCE AND COMPENSATION

Industrial accidents and occupational diseases
Employer's liability
Social insurance in Europe
Workmen's compensation

IV. UNEMPLOYMENT

The problem
European experience
Unemployment in America

V. INDUSTRIAL PEACE

Strikes
Conciliation and voluntary arbitration
Compulsory arbitration

VI. TRUSTS

Evolution
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Sherman Anti-trust Law
Recent anti-trust legislation

VII. RAILWAYS

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- First Interstate Commerce Commission
- Present Interstate Commerce Commission

VIII. CONSERVATION

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- Coal and other minerals
- Human life

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- History of direct legislation
- Direct legislation at present
- Advantages and disadvantages of direct legislation
- The recall

II. THE VOTER AND THE POLITICAL PARTY

- Suffrage
- Ballot and elections
- Political party in American government

III. CITY GOVERNMENT

- Commission government
- City as a business organization
 - Work, costs, debts of finance, city manager, etc.
- City planning
- Proper functions
 - American and foreign cities compared, etc.

IV. PUBLIC UTILITIES

- The problem
- Public control
- Public ownership

V. FINANCE

- The problem
- Present taxes
- Necessary and proposed reforms

VI. THE PRESIDENCY

- History
- President and Congress
- President and the Nation

VII. NATIONAL DEFENSE

- The problem
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- Military and naval preparedness
- True preparedness

VIII. DEMOCRACY AND FUTURE PROBLEMS

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- The limitations of democracy
- Democracy and foreign affairs
- Democracy and domestic problems (political and economic)
- Democracy and social progress

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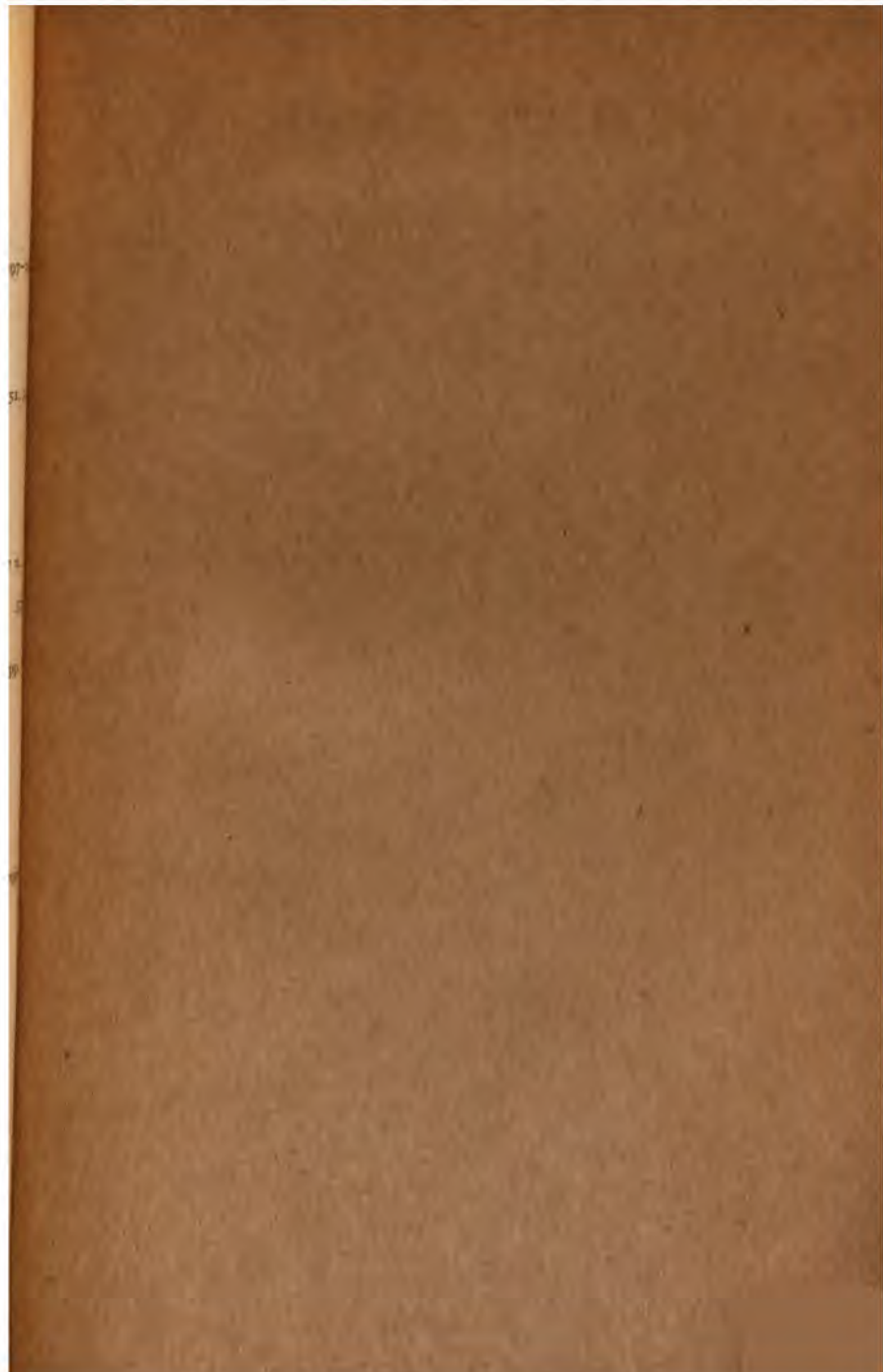
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